

In the Matter Of:

US BANK NATIONAL ASSOCIATION vs SHAKOORI

17-cv-394 WES

HOWARD R. HANDVILLE

April 07, 2022

30b6



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April 07, 2022

1

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR THE REGISTERED
HOLDERS OF THE STRUCTURED ASSET
SECURITIES CORPORATION, STRUCTURED
ASSET INVESTMENT LOAN TRUST MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2003-BC11

VS.

17-cv-394 WES

MASOUD SHAKOORI, ET AL.

WEBCONFERENCE 30(b)(6) DEPOSITION OF
U.S. BANK, by and through HOWARD R. HANDVILLE

APRIL 7, 2022

10:34 A.M.

Linda L. Guglielmo, RMR No. 27532

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
2

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HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
3

INDEX OF EXAMINATION

WITNESS: HOWARD HANDVILLE

EXAMINATION	PAGE
By Mr. Ennis	5

EXHIBITS

DEFENDANT'S	DESCRIPTION	PAGE
Exhibit A	NOTICE OF DEPOSITION, 7 PGS.....	8
Exhibit B	U.S. BANK'S ANSWERS TO INTERROGATORIES, 16 PGS.....	64
PLAINTIFF'S		
Exhibit 1	TRUST AGREEMENT, 197 PGS.....	101

FOR INSTRUCTIONS TO WITNESS, SEE PAGE 37

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022

4

30(b)(6) DEPOSITION OF U.S. BANK,

by and through HOWARD HANDVILLE

April 7, 2022

(COMMENCED AT 10:34 A.M.)

THE REPORTER: Stipulation: It is hereby stipulated and agreed by and between all counsel present that under the Executive Order by the Supreme Court of Rhode Island, 2020-09 regarding COVID-19 that this proceeding is being conducted remotely by web-based conferencing.

The witness shall be sworn after providing a valid form of identification.

This remote proceeding will not be recorded in any manner without prior consent of all parties.

Exhibits may be marked by counsel and presented to a witness. Copies of exhibits presented shall be emailed to or otherwise in possession of all parties prior to any questioning regarding the exhibit. My notary number is 7337.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
5

1 HOWARD R. HANDVILLE

2 having been duly sworn, testifies as follows:

3 THE REPORTER: State your name.

4 THE WITNESS: Howard R. Handville.

5 EXAMINATION

6 BY MR. ENNIS:

7 Q. Mr. Handville, what is your business
8 address, please?

9 A. 1661 Worthington Road, Suite 100, West
10 Palm Beach, Florida, 33409.

11 Q. What business is at that address?

12 A. That is the -- that is the PHH
13 servicing division.

14 Q. And what floor is your office on?

15 A. It's only one floor.

16 Q. Okay. And do you have -- what is your
17 title?

18 A. Senior loan analyst.

19 Q. And who are you the senior analyst
20 for?

21 A. Ocwen Financial Corporation.

22 Q. Where is Ocwen Financial Corporation's
23 office?

24 A. It's also in West Palm Beach, same
25 address.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
6

1 Q. Same address?

2 A. Yes.

3 Q. Is there a separate office in that
4 building for Ocwen Financial Corporation?

5 A. Well, there is a bunch of internal
6 offices and facilities, but it's not like a
7 different suite number or anything, it's all in
8 the same facility.

9 Q. Okay. Do you have your own office?

10 A. I work remotely.

11 Q. Excuse me?

12 A. I work remotely.

13 Q. So you do not have an office location
14 at that building; is that correct?

15 A. No longer, no.

16 Q. Did you ever?

17 A. Yes.

18 Q. When did you?

19 A. From the time I started with Ocwen in
20 2010 until I'm going to say probably late 2019
21 or early 2020.

22 Q. And prior to that, did you have an
23 extension phone number to be reached at that
24 time?

25 A. I did.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022

7

1 Q. Okay. Now you no longer have an
2 extension; is that correct?

3 A. I don't.

4 Q. Have you ever been deposed before?

5 A. Yes.

6 Q. How many times?

7 A. I don't keep track. I could venture a
8 guess, north of 75 times, maybe.

9 Q. Do you recall when the first time was
10 you've ever been deposed?

11 A. No.

12 Q. Do you recall when the last time you
13 were deposed?

14 A. I don't really remember the date. I
15 think it was earlier this year, but I can't
16 recall specifically.

17 Q. Okay. In what capacity were you
18 deposed in that case this year?

19 A. In my capacity as the witness for
20 Ocwen Financial Corporation.

21 Q. Are you familiar with what a
22 deposition is?

23 A. I am.

24 Q. What is your understanding of what a
25 deposition is?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
8

1 A. Part of the discovery process.

2 Q. I'm going to respond based on your
3 personal knowledge. I don't want you to guess
4 or assume any answers; all right?

5 A. Understood.

6 Q. And you understand that if you don't
7 understand the question, feel free to let me
8 know, and I can either have it read back or
9 rephrase it; is that okay?

10 A. Okay.

11 Q. Okay. Now, have you received a copy
12 of the notice to take deposition -- beforehand,
13 can I ask that the notice to take deposition be
14 marked as Exhibit A.

15 EXHIBIT A (DEFENDANT'S EXHIBIT A
16 MARKED FOR IDENTIFICATION)

17 Q. Have you seen the notice to take
18 deposition?

19 A. I have.

20 Q. When did you see that?

21 A. I received it on April 4th.

22 Q. Did you read -- did you take time to
23 read it?

24 A. I did.

25 Q. How long did it take you to read it?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022

9

1 A. Ten minutes, maybe.

2 Q. Okay. Did you look at all the topics
3 that were requested where it says, Pursuant to
4 FRCP 30(b)(6) U.S. Bank shall designate an
5 individual with knowledge to testify on its
6 behalf regarding the following areas of
7 inquiry. Did you see that?

8 A. I did.

9 Q. And have you ever been deposed on
10 behalf of -- been a witness on behalf of U.S.
11 Bank before?

12 A. I don't know specifically. I don't
13 recall.

14 Q. Now what is -- after you received
15 that, did you take any action to determine
16 whether or not you were the person with
17 knowledge of the various areas of inquiry?

18 A. No.

19 Q. Are you the person with knowledge of
20 the boarding of the defendant's mortgage loan
21 as referenced in topic -- do you have a copy of
22 the notice of deposition in front of you?

23 A. I do.

24 Q. In regard to area of inquiry number 1,
25 you state you did not take any action to

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
10

1 determine whether or not you were the person
2 with the knowledge in that regard?

3 A. I have some knowledge.

4 Q. What document have you -- in
5 preparation of this deposition, have you
6 reviewed any documents?

7 A. Yes.

8 Q. Okay. Where did you receive those
9 documents from?

10 A. I didn't receive -- well, I received a
11 lot of documents from our counsel.

12 Q. Okay. Who is that?

13 A. Samuel Bodurtha.

14 Q. When did you receive those documents?

15 A. I think it was in February. I'm not
16 really sure specifically when.

17 Q. Okay. What documents did you receive?

18 A. We received an exhibit list with the
19 exhibits. Let's see, what else, a trial
20 readiness memo, and there were filings,
21 petitions and pleadings that I read. I think I
22 even read yours, your trial readiness
23 memorandums. I can't recall, there was a lot
24 of documents.

25 Q. And when did you read these

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022

11

1 documents -- when was the last time you
2 reviewed any documents?

3 A. Last night.

4 Q. Okay. And how long did you spend
5 reading those documents?

6 A. From the time I received them until
7 now, maybe 15 hours, maybe more. I didn't
8 really track the time.

9 Q. How is it determined -- who made a
10 determination that you were the person with the
11 knowledge in area of inquiry number 1?

12 MR. BODURTHA: I'm going to object
13 to that, because it calls for attorney/client
14 communications and for information obtained in
15 preparing or in anticipation of litigation.
16 But beyond any work product information,
17 Mr. Handville can answer.

18 A. I don't know that there was a decision
19 made as to who has the knowledge.

20 Q. Well, are you the person with
21 knowledge of all the topics that were listed?

22 A. I have knowledge of the topics.

23 Q. Directing your attention to number 1,
24 what documents did you review in order to be
25 able to testify about area of inquiry number 1?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
12

1 A. I didn't receive any documents on
2 that.

3 Q. What documents did you review in
4 regard to area of inquiry Number 2 to prepare
5 for your deposition?

6 A. I didn't receive or review any
7 documents on that, either.

8 Q. What documents did you receive which
9 you reviewed in order to prepare for your
10 deposition in regard to area of inquiry Number
11 3 on the notice of deposition?

12 A. I didn't receive or review any
13 documents on that.

14 Q. What documents did you receive and
15 review in regard to topic Number 4 in the
16 notice to take deposition to prepare for this
17 deposition?

18 A. I reviewed the -- I believe it was the
19 trust agreement regarding who the custodian is.
20 I reviewed MSP, the servicing system that PHH
21 uses. Those are the two items that I reviewed.

22 Q. From whom did you receive the trust
23 agreement?

24 A. The trust agreement I received from
25 Mr. Bodurtha.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
13

1 Q. When you say the MSP servicing system,
2 can you please explain what that is?

3 A. Servicing system is the electronic
4 platform used to service the loan, implemented
5 by or handled by PHH Mortgage.

6 Q. Is that a printed document, or is that
7 a computerized document?

8 A. It's a system.

9 Q. So, when did you access that system in
10 regard to topic Number 4?

11 A. Oh, gosh, probably back in February.

12 Q. Of 2022?

13 A. Correct.

14 Q. You did not review that yesterday
15 during your 15 hours of preparation?

16 A. No.

17 Q. Staying on Number 4, do you know who
18 the custodian of this loan was?

19 A. Yes.

20 Q. And who was that custodian?

21 A. Wells Fargo.

22 Q. Do you know if there's a custodial
23 agreement in regard to that -- is there a
24 custodian between Wells Fargo and any other
25 entity?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
14

1 A. I haven't seen the custodial
2 agreement, so I don't know.

3 Q. What's a custodian, if you know?

4 A. We refer to them as document
5 custodians. They handle the lateral documents,
6 note, mortgage, origination documents, I think
7 title policy, commitment and things like
8 allonges, notes, things like that in the
9 collateral file, they're maintained with the
10 document custodial with the trust.

11 Q. Have you seen a custodial index by the
12 document custodian regarding this file?

13 A. No.

14 Q. What documents did you receive and
15 review in regard to topic Number 5 in the
16 notice to take deposition?

17 A. Nothing on 5 or 6.

18 Q. So, in other words, you did not review
19 any documents, receive or review any documents
20 in preparation for topic number 6; is that
21 correct?

22 A. Correct.

23 Q. What documents did you receive and
24 review in preparation for your deposition in
25 regard to topic Number 7?

1 A. Well, I reviewed the documents that
2 are exhibits that counsel sent me, I think it's
3 Exhibits H, I, J, K, L, M, N -- no, sorry, M is
4 the last one. So Exhibits G through M is what
5 I reviewed in that regard.

6 Q. Have you ever seen the originals of
7 those documents?

8 A. No.

9 Q. Do you know where the originals of
10 Exhibits G, H, I, J, K, L and M are located?

11 A. Not specifically.

12 Q. Not specifically, or not at all?

13 A. Well, they would be in the possession
14 of the trust.

15 Q. How do you know that?

16 A. They're the people that provide them
17 to the servicers.

18 Q. How do you know that?

19 A. Well, just my experience.

20 Q. Well, I'm not speaking about your
21 experience. In regard to this particular loan,
22 you're being deposed as a representative of
23 U.S. Bank as trustee; is that correct?

24 A. Correct.

25 Q. You are the person with the knowledge

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
16

1 that, you've been presented by U.S. Bank as the
2 person with knowledge of certain topics; is
3 that correct?

4 A. Yes.

5 Q. So, once again, I'm asking you, based
6 upon your knowledge, where are the originals of
7 these documents located?

8 A. I don't know.

9 Q. Have you made any inquiry as to where
10 they are located?

11 A. No.

12 Q. Are there any documents in your
13 possession that indicate where they're located?

14 A. Not that I've seen.

15 Q. Are there any records anywhere which
16 indicates where these original documents are
17 located?

18 MR. BODURTHA: Objection. You can
19 answer.

20 A. I don't know.

21 Q. Do you even know if there are any
22 original documents?

23 MR. BODURTHA: Objection. You can
24 answer.

25 A. I haven't seen any, so I couldn't say

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
17

1 yes to that.

2 Q. Who provided the copy of Exhibit G to
3 U.S. Bank?

4 THE WITNESS: Bear with me.

5 (PAUSE)

6 A. I don't know, but it's signed by
7 Lehman Brothers Bank.

8 Q. I'm not asking whether or not it's
9 signed, I'm asking who provided that to U.S.
10 Bank?

11 A. I don't know.

12 Q. Do you even know if there are any
13 original documents of G through M?

14 A. No.

15 Q. Directing your attention to Number 8,
16 did you receive and review any documents which
17 indicate that you used to prepare for your
18 deposition with regard to topic Number 8?

19 THE WITNESS: What was the question
20 again?

21 Q. Did you receive and review any
22 documents to prepare for your testimony
23 regarding topic Number 8?

24 A. No.

25 Q. Did you receive and review any

1 documents -- did you receive any documents in
2 regard to topic Number 9?

3 MR. BODURTHA: Is that the
4 question?

5 MR. ENNIS: Yes.

6 THE WITNESS: Did I receive
7 documents, is that what your question was?

8 MR. ENNIS: Yes.

9 A. I received copies of pay histories
10 from Ocwen. I reviewed pay histories of PHH,
11 and I reviewed some prior service or pay
12 histories.

13 Q. What exact documents did you review in
14 preparation for Number 9?

15 MR. BODURTHA: Objection. If you
16 understand the question.

17 Q. Which pay histories?

18 A. PHH, Ocwen, and I believe it was HMSI
19 or Homewood.

20 Q. What time frame were the HMSI,
21 Homewood residential records dated that you
22 reviewed?

23 A. I think it started in 2007 up through
24 somewhere near the transfer date to Ocwen.

25 Q. Do you know what electronic system of

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
19

1 record AHI/Homewood used?

2 A. I believe they were using MSP.

3 Q. What system did Ocwen use when it
4 servicing the loan?

5 A. Ocwen was using a platform that was
6 called Real Servicing.

7 Q. What documents did you review to
8 verify that the documents provided to Ocwen by
9 American Home Mortgage Servicing, Inc., were
10 accurate?

11 MR. BODURTHA: Objection. You can
12 answer.

13 A. Nothing.

14 Q. What documents did you review to
15 determine that any documents provided from
16 Ocwen to PHH when servicing changed were in
17 fact accurate?

18 MR. BODURTHA: Objection. You can
19 answer.

20 A. Nothing.

21 Q. Does PHH have a protocol to
22 determine -- let me strike that. Does PHH
23 currently have a protocol to confirm and verify
24 the accuracy of all prior servicer documents
25 when it loads the documents on its electronic

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
20

1 system of record?

2 MR. BODURTHA: Objection.

3 Foundation. You can answer.

4 A. Not to my knowledge.

5 Q. Well you're the person -- I had asked
6 you in regard to Number 2 whether you were the
7 person with knowledge of the manner in which
8 PHH verified the accuracy of the principal
9 balance, interest due, escrow due, monthly
10 payment of principal interest, and any fees
11 loan when the loan boarded on PHH's electronic
12 system of record; is that correct?

13 A. That's what Number 2 says, yes.

14 Q. Are you the person that has that
15 knowledge?

16 A. I have some knowledge.

17 Q. Once again, I'm asking you what
18 knowledge do you have by the manner in which
19 PHH verified the accuracy of those documents?

20 MR. BODURTHA: Objection. You can
21 answer.

22 A. You're asking me about verifying
23 documents.

24 Q. Excuse me, I'll correct that. What
25 documents did PHH review in order to verify the

1 accuracy of the principal balance, interest
2 due, escrow due, monthly payment of principal
3 and interest, and any fees charged to the
4 mortgage loan account when the loan boarded on
5 PHH's electronic system of record?

6 A. PHH's boarding of loans involves a
7 process to -- I'm not sure I can explain this
8 because I'm not a technical person. The
9 language of the data that is going to be
10 transferred from one servicer to another, how
11 the information is going to be transferred,
12 let's say through an electronic secure file
13 transfer protocol. The prior servicer provides
14 a master file ahead of the boarding which has
15 all the loan data that resides in their system
16 of record.

17 The servicing transaction management
18 team ensures that we get another report right
19 before the loan goes live, so if there are any
20 material changes to any of the figures in this
21 interim period between the first report and the
22 last report, right before the loan goes live,
23 to capture any payments that have been made or
24 disbursements that have been made or any
25 changes in the system regarding the borrower or

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
22

1 anything like that that would have changed in
2 that interim period.

3 Then the information is run,
4 transferred into the new system, new loan
5 numbers are often associated with this,
6 sometimes we retain the same number as the
7 prior servicer. Once the information is in the
8 system, I believe they run some sort of test to
9 make sure there aren't any failures to capture
10 the information, and that's primarily the major
11 aspect of loan boarding, make sure the
12 information that was received was input and
13 captured in the new system correctly.

14 Q. That goes -- number 19 had asked
15 whether or not that for U.S. Bank to provide
16 the person with the knowledge of the names,
17 business addresses, and job titles of all
18 persons who confirm the accuracy of Ocwen's
19 real servicing records regarding Defendant's
20 mortgage loan account when the Defendant's
21 mortgage loan was converted from real servicing
22 and boarded on PHH's electronic system of
23 record, and any protocols or manuals or
24 guidelines PHH for verifying this information.
25 Once again --

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
23

1 MR. BODURTHA: Is that a question?

2 Q. I haven't asked the question yet. In
3 regard to number 19, what documents did you
4 review -- first of all, did you receive any
5 documents in regard to number 19?

6 A. No.

7 Q. Do you have any knowledge of the names
8 and business addresses of any persons who
9 confirmed the accuracy of Ocwen's records when
10 the load was boarded on PHH's system?

11 A. No, I do not.

12 Q. Did you make any effort to find that
13 out?

14 A. No.

15 Q. Were you provided that information?

16 A. No.

17 Q. You mentioned something called a team,
18 what was the name of the team?

19 A. The Servicing Transaction Management,
20 STM.

21 Q. STM. You mentioned a team, I think,
22 didn't you?

23 A. That's the reference. Service
24 Transaction Management team.

25 Q. Where are they located?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
24

1 A. I don't know specifically where
2 they're located.

3 Q. Are they located at the location where
4 you are?

5 A. I don't think they are. The last time
6 I checked, which was years ago, they had
7 operations in India, and they had operations in
8 New Jersey, but I don't know if they are still
9 at the same addresses, or locations at this
10 moment.

11 Q. You have no knowledge about 19 at all;
12 is that correct?

13 MR. BODURTHA: Objection. You can
14 answer.

15 A. I don't have the specific information
16 of number 19, no.

17 Q. Do you have any information in regard
18 to names and business addresses and job titles?

19 A. Chris Kennedy used to run the STM
20 team. That person is no longer with us. The
21 last time I checked, there was a person named
22 Sue Carrion (phonetic) who I believe was --

23 Q. Can you spell that?

24 A. C-a-r-i-o-n, I think, maybe two Rs,
25 I'm not sure.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
25

1 Q. Does she have anything to do with the
2 boarding of this particular loan on PHH's
3 system of record?

4 A. I don't know.

5 Q. Now, going to Number 10, did you
6 receive any documents in regard to topic Number
7 10 in the notice to take deposition?

8 THE WITNESS: Could you repeat
9 that question, I'm sorry?

10 Q. Did you receive any documents
11 regarding topic Number 10 in the notice to take
12 deposition?

13 A. I looked at the payment history that
14 our counsel provided and looked in the system,
15 servicing platform.

16 Q. In regard to number 11, did you
17 receive any documents in regard to topic number
18 11?

19 A. Same as Number 10, basically. I
20 looked at the payment histories that counsel
21 sent.

22 Q. In regard to Number 12, did you
23 receive any documents in regard to topic Number
24 12?

25 A. I think we have some Bailee letters on

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
26

1 that, and I looked at system notes, those type
2 of business records.

3 Q. From whom did you receive the Bailee
4 letters?

5 A. We have some Bailee letters in our
6 imaging records.

7 Q. In this case what Bailee records are
8 you referring to?

9 A. The Bailee records are in reference to
10 the collateral documents.

11 Q. How many Bailee letters are there?

12 A. I didn't count them. I don't know.

13 Q. So, you have access right now, I'm
14 asking you right now what documents -- you said
15 you received Bailee letters; is that correct?

16 A. Bear with me, let me see.

17 (WITNESS CHECKING FOR DOCUMENTS)

18 A. No, I'll correct that. I didn't
19 receive Bailee letters from my counsel. Any
20 Bailee letters I would have looked at would
21 have been in our imaged records.

22 Q. Did you look at any Bailee letters,
23 any Bailee letters?

24 A. I believe I looked at a few.

25 Q. Which ones did you look at; can you

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
27

1 identify them?

2 A. No.

3 Q. You don't have access to what you
4 looked at?

5 A. Not right now as we sit here, no.

6 Q. So did you take any notes when you
7 reviewed those?

8 A. Not on that, no.

9 Q. Okay. So do you remember what you
10 looked at?

11 A. Most of what I looked at were the
12 system comments indicating when PHH or Ocwen
13 received the documents, and when they sent them
14 to counsel.

15 Q. Do you know who entered that data?

16 A. Generally -- from memory, I can't say
17 specifically, but generally our records
18 services team is responsible for making the
19 requests for collateral documents, logging them
20 in when we receive them, and keeping track of
21 when they are sent either back to the trust or
22 back to or over to our counsel.

23 Q. Where is the records servicing team?

24 A. They're in Palm Beach, Florida.

25 Q. Where are they located?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
28

1 A. 5720 Premier Park Road, West Palm
2 Beach, Florida.

3 Q. Is that a single building, or is that
4 a high-rise building?

5 A. It's an industrial complex.

6 Q. Who manages that record servicing
7 team?

8 A. I don't recall.

9 Q. Regarding topic number 13, did you
10 receive any documents in order to prepare for
11 topic number 13?

12 A. No.

13 Q. Do you recall signing Answers to
14 Interrogatories, I believe on January 31st,
15 2022?

16 A. I do not.

17 Q. You do not remember?

18 A. I do not.

19 Q. Did you sign Answer to Interrogatories
20 in this case dated January 31, 2022?

21 A. I'd have to see the document to be
22 able to respond to that.

23 Q. That document was not provided to you
24 before you signed it?

25 MR. BODURTHA: Objection. John,

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
29

1 that question lacks any foundation at all. You
2 need to rephrase that.

3 Q. Do you remember being provided
4 interrogatories in this case from the
5 defendant?

6 MR. BODURTHA: Objection. The
7 defendant didn't -- we're the plaintiff.

8 MR. ENNIS: From the defendant.

9 MR. BODURTHA: You can answer.

10 A. I don't recall.

11 Q. Regarding topic number 14, what
12 documents did you receive prior -- after April
13 4th, 2022 regarding topic number 14?

14 MR. BODURTHA: I'm going to object
15 to this topic, because it calls for
16 attorney/client communications and work
17 product, but to the extent we're beyond any
18 attorney/client communications or work product,
19 Mr. Handville can answer.

20 THE WITNESS: Could you repeat that
21 question, sir?

22 MR. ENNIS: Can you read it back.

23 (QUESTION READ)

24 MR. BODURTHA: Same objection as
25 before. You can answer, Mr. Handville.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
30

1 A. Well, as far as documents, I would
2 have reviewed the complaint, that's about it.

3 Q. In regard to topic number 15, what
4 documents did you review after April 4th, 2022
5 in order to prepare for your testimony
6 regarding topic number 15?

7 A. I looked at the pay histories, the
8 comments and the petitions and pleadings and
9 complaint, and all the legal documents that
10 were filed that were available to me, and I
11 looked at imaged records.

12 Q. Where are those imaged records
13 located?

14 A. Imaged records that I received from
15 counsel that reside on my desktop and imaged
16 documents regarding loan records are maintained
17 in a database that we call iDesk, sort of an
18 image repository, if you will.

19 Q. Was that at your computer where you're
20 sitting now?

21 A. I would access it through my computer,
22 yes.

23 Q. When you access on your computer this
24 iDesk imaging, how do you go about doing that?

25 A. I just open up the program and put the

1 loan number, and it brings up all the records.

2 Q. Are you aware of who -- are you aware
3 of how those records were placed in that iDesk,
4 in that program?

5 A. We have an imaging team that's
6 responsible for taking care of that aspect.

7 Q. And where is the imaging team located?

8 A. I believe they're in the same facility
9 as records services. I could be mistaken.
10 They used to be there. I haven't checked
11 recently.

12 Q. Now regarding number 16, what
13 documents did you review to prepare for topic
14 number 16?

15 A. I didn't.

16 Q. Regarding number 17, what documents
17 did you review in order to prepare for topic
18 number 17?

19 A. I did not review anything.

20 Q. In regard to topic number 18, what
21 documents did you review in order to prepare
22 for topic number 18?

23 A. I didn't review anything on that,
24 either.

25 Q. You said -- can you describe what a

1 Bailee letter is?

2 A. It's -- my best analogy is it's like a
3 library card. Somebody has to document where
4 they're sending, and who they're sending it to,
5 or if they're sending it back to us. So it
6 basically shows what's being sent, or reference
7 to what's being sent.

8 Q. So I understand there is an allonge in
9 this case; are you aware of that?

10 A. I am.

11 Q. Do you know when that allonge was
12 signed?

13 A. No.

14 MR. ENNIS: Can we take a
15 five-minute break, I have to get the
16 interrogatories.

17 (RECESS)

18 Q. Mr. Handville, in regard to topic
19 Number 2, is it fair to say you don't have
20 knowledge of the manner in which PHH verified
21 the accuracy of the mortgage loan account when
22 it was boarded on PHH's electronic system of
23 regard?

24 A. As I understand it, the impetus on
25 boarding prior servicer records is about making

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
33

1 sure the information imports into the new
2 system accurately.

3 Q. I'm asking you on this loan, do you
4 have any knowledge of the manner in which PHH
5 verified the accuracy of that information from
6 the Ocwen system before it was boarded in the
7 PHH system?

8 A. No.

9 Q. And you received this notice of
10 deposition on April 4th, correct?

11 A. Correct.

12 Q. Did you indicate to anybody that you
13 had no knowledge of that topic?

14 MR. BODURTHA: Objection. He
15 didn't answer he had no knowledge of the topic,
16 John. You can answer.

17 Q. You're the person with knowledge of
18 the manner in which PHH verified the accuracy
19 of this mortgage loan account when the loan was
20 boarded. So, my question to you is what
21 knowledge do you have of the manner in which
22 PHH verified the accuracy of that account when
23 it was boarded onto PHH's system of record?

24 A. I don't have any knowledge as to that.

25 Q. Did you tell anybody that you did not

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
34

1 have knowledge of that topic?

2 A. No.

3 Q. Now, regarding Number 3, do you have
4 any knowledge of any documents which were
5 reviewed when Ocwen confirmed and verified the
6 accuracy of the mortgage loan account when the
7 loan was service transferred to Ocwen and
8 boarded on the Ocwen electronic system of
9 record?

10 A. The boarding process is focused on the
11 accurate input of the data into the servicing
12 platform.

13 Q. Once again, I'm not asking you a
14 general question, I'm asking you do you have
15 any knowledge of the documents reviewed when
16 Ocwen confirmed and verified the accuracy of
17 the mortgage loan account when the loan was
18 service transferred to Ocwen and boarded on
19 Ocwen's electronic system of record?

20 MR. BODURTHA: Objection to form.
21 You can answer.

22 A. No.

23 Q. Did you tell anybody that you had no
24 knowledge of that information regarding Number
25 3?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
35

1 MR. BODURTHA: Objection to form.

2 You can answer.

3 A. No.

4 Q. Now you stated that you -- that Wells
5 Fargo was the custodian of the collateral file
6 for this loan; is that correct?

7 A. Yes.

8 Q. Has Wells Fargo always been the
9 custodian for the collateral file of this loan?

10 A. Yes.

11 Q. How do you know that?

12 A. They're named in the trust as one of
13 the custodians, and they're the ones we reached
14 out to and obtained the documents -- well,
15 Ocwen reached out and obtained the documents
16 from.

17 Q. Is there a Bailee letter from Wells
18 Fargo to any servicer?

19 A. I don't know.

20 Q. Do you have any knowledge about the
21 contents of the collateral file from
22 origination to the present?

23 A. General knowledge, not specific to
24 this loan.

25 Q. Did you tell anybody you didn't have

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
36

1 any specific knowledge regarding the contents
2 of the collateral file from origination to the
3 present?

4 A. No.

5 Q. What knowledge do you claim to have
6 regarding the sale, each sale of the
7 defendant's note from origination to the
8 present --

9 MR. BODURTHA: Objection. You can
10 answer.

11 Q. -- in regard to topic Number 5?

12 MR. BODURTHA: Objection. You can
13 answer.

14 A. There are references to a sale by
15 Option One, but I haven't seen the sale
16 documents. The deal documents that I reviewed
17 were the ones that were. We now have them as
18 exhibit labels, and I think they were part of
19 the supplemental production in the response to
20 Interrogatories.

21 Q. You said there is a sales agreement
22 from Ocwen you've seen referred to, but you
23 haven't seen it. Is there any sales agreement
24 from Option One to any entity regarding this
25 mortgage?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
37

1 A. I haven't seen it, I don't know.

2 Q. Are you aware if there is any?

3 A. I don't have personal knowledge, no.

4 Q. I'm not asking if you have personal
5 knowledge, do you have any knowledge as a
6 corporate representative of U.S. Bank as
7 trustee? Is there any such sales agreement or
8 purchase agreement by which Option One sold the
9 mortgage to any entity?

10 A. I can't say. I haven't seen any, so I
11 don't know.

12 Q. Did you tell anybody that you did not
13 have that information?

14 MR. BODURTHA: Objection. That
15 calls for attorney/client communications. I'm
16 not going to let him answer that one.

17 (SO NOTED)

18 Q. Did you communicate with any other
19 members of Ocwen Financial Corp. in regard to
20 this topic?

21 MR. BODURTHA: Objection to the
22 extent that involves attorney/client
23 communication, Mr. Handville is not going to
24 answer. To the extent attorneys were not
25 involved, he can answer.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
38

1 A. Yes.

2 Q. And who did you speak with?

3 A. I spoke with a person named Jolene
4 Stratton.

5 Q. Who is Jolene Stratton?

6 A. Law department supervisor, she works
7 out of the West Palm Beach office. I've known
8 her for years, she's been there since I came on
9 board, probably twice as long as that,
10 actually. She's the person that handles all of
11 the deal documents, so to speak, and uploads
12 them into our database.

13 Q. Do you know if she uploaded any
14 documents into this database for this loan?

15 A. I don't know for sure. Possibly. But
16 I don't know for sure.

17 Q. Now, do you have any knowledge of each
18 document by which any sale of this mortgage
19 loan was made?

20 A. I have not seen the sale documents. I
21 don't know.

22 Q. Any sale documents?

23 A. Not that I recall.

24 Q. Did you, after receiving this notice
25 to take deposition with the topics, did you

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
39

1 advise anybody that you did not know this
2 information?

3 MR. BODURTHA: Objection. To the
4 extent it's attorney/client communications,
5 Mr. Handville is not going to answer, but
6 beyond attorney/client, he can answer.

7 A. No.

8 Q. With regard to number 6, do you have
9 any knowledge of each sale of the Defendant's
10 mortgage from origination to the present, and
11 each document by which each sale was made.

12 A. No.

13 Q. Did you advise anybody that you did
14 not have that information?

15 MR. BODURTHA: Objection. Calls
16 for attorney/client. You can answer.

17 A. No.

18 Q. Do you have any knowledge of any
19 securitization of this mortgage loan?

20 A. Outside of the documents that have
21 been produced, no.

22 Q. And what documents were given to you
23 by your attorney to review in response to what
24 you just said, Number 7?

25 A. Bear with me one moment.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
40

1 (PAUSE)

2 A. The exhibits marked G, H, I, J, K, L,
3 M, and the complete mortgage loan schedule.

4 Q. What exhibit number was that?

5 THE WITNESS: Bear with me, I'm
6 looking.

7 A. I believe it's K. Let me pull it up
8 real quick.

9 (PAUSE)

10 Q. Yes, K is the redacted mortgage loan.
11 This is an extrapolation, or excerpt from the
12 mortgage loan schedule. You received that from
13 Mr. Bodurtha; is that correct?

14 A. I did.

15 Q. Did you go to the electronic system of
16 record to verify that that was the same
17 document that is on the electronic system of
18 record?

19 A. I've reviewed the unredacted mortgage
20 loan schedule in its entirety that we have in
21 our database.

22 Q. What database is that?

23 A. It's a SharePoint data point.

24 Q. What is it called?

25 A. SharePoint.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
41

1 Q. Do you know who entered that data on
2 to that SharePoint database?

3 A. Not specifically, no.

4 Q. When was that data entered -- when was
5 that entered on to the SharePoint database?

6 A. I don't know.

7 Q. Is the SharePoint database the same as
8 the MSP system?

9 A. No.

10 Q. What is the SharePoint database, what
11 exactly is that?

12 A. It's a database for depositing records
13 into it so somebody could access them and look
14 at them.

15 Q. And who deposited this information
16 into the SharePoint database?

17 A. I don't know.

18 Q. Do you know when it was deposited?

19 A. No.

20 Q. In regard to topic number -- also, let
21 me just look at that, bear with me. In regard
22 to those various documents that you just
23 mentioned, Exhibits G through M, when you say
24 Exhibit G, what are you referring to?

25 A. Exhibit G is labeled Assignment and

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
42

1 Assumption Agreement between Lehman Brothers
2 Bank, FSB as assigner and Lehman Brothers
3 holding, Inc. as assignee, dated 10-1-2003.

4 Q. From whom did you receive that
5 document?

6 A. Counsel.

7 Q. Did you verify that that document was
8 identical to a document on the system of PHH?

9 A. Yes.

10 Q. When did you do that?

11 A. When I got it.

12 Q. When did you get it?

13 A. Looks like February 21st. Maybe
14 that's not the correct date.

15 (PAUSE)

16 A. January 31st, 2022.

17 Q. And how did you access that document?

18 A. It was included in the exhibits that
19 were produced --

20 Q. I'm talking about --

21 A. -- by counsel.

22 Q. -- other than from counsel, how did
23 you obtain, review that document other than
24 what counsel sent to you?

25 A. I looked in the SharePoint database.

1 Q. Do you know who entered that document
2 on to the SharePoint database?

3 A. No.

4 Q. Is the SharePoint database document
5 created, a database created by PHH?

6 A. It was created by Ocwen, and PHH and
7 Ocwen merged. So it's now maintained by PHH,
8 but it's the same Ocwen staff.

9 Q. Do you know where the original of that
10 document is located?

11 A. No.

12 Q. You had said earlier that you believe
13 the trust agreement was with U.S. Bank; is that
14 correct?

15 A. I'm not sure I understand what you're
16 asking me.

17 Q. You had stated earlier that you
18 thought that the original of the trust
19 agreement is with U.S. Bank?

20 A. Yes.

21 Q. Where is U.S. Bank located, U.S. Bank
22 as trustee located?

23 A. I don't think I have their address
24 handy.

25 Q. If you had to communicate with them,

1 how would you communicate with them, U.S. Bank
2 as trustee?

3 A. I'm not really sure. I've never had
4 to communicate with them.

5 Q. Do you know where the original of the
6 Exhibit G is at the current time?

7 A. I do not.

8 Q. Is it fair to say that Exhibit G,
9 which was one of the documents you say
10 Mr. Bodurtha gave to you, does not contain a
11 loan schedule; is that correct?

12 A. It does not.

13 Q. And there's no reference to the Option
14 One, this Option One mortgage in that
15 agreement; is that correct?

16 A. Correct.

17 Q. Is it fair to say you have no idea how
18 the loan got from -- what happened to the loan
19 after Option One?

20 MR. BODURTHA: Objection.

21 Q. Excuse me, let me rephrase that. Do
22 you have any information which indicates how
23 the loan, if it did, went from Option One
24 Mortgage Corporation to Lehman Brothers Bank?

25 MR. BODURTHA: Objection. You can

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
45

1 answer.

2 A. I have not seen any sale agreement
3 regarding how the loan was transferred,
4 considerations paid for it.

5 Q. What knowledge do you have of any
6 electronic or paper index to the
7 collateral/custodial file of the trustee's
8 custodian?

9 MR. BODURTHA: Objection to form.
10 You can answer.

11 A. None.

12 Q. You were designated as the person with
13 the knowledge of that information; is that
14 correct?

15 A. I was.

16 MR. BODURTHA: Objection. You can
17 answer.

18 Q. And you have no knowledge; is that
19 correct?

20 MR. BODURTHA: Objection. You can
21 answer.

22 A. I don't have access to Wells Fargo's
23 custodial record keeping or how unfamiliar on
24 how they go about maintaining those records.

25 Q. Did you express your lack of knowledge

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
46

1 to anybody in regard to topic Number 8?

2 MR. BODURTHA: Objection. Calls
3 for attorney/client. Beyond that, you can
4 answer.

5 A. No.

6 Q. You referenced Exhibit H. What is
7 Exhibit H?

8 A. Exhibit H is Lehman Brothers Holding,
9 Inc., as seller, Structured Assets Securities
10 Corporation, purchaser, mortgage loan sale and
11 assignment agreement dated October 1, 2003.

12 Q. Did you receive a copy of that
13 document?

14 A. Yes.

15 Q. And from whom did you receive that
16 document?

17 A. Mr. Bodurtha.

18 Q. Other than Mr. Bodurtha, have you seen
19 that document in any other format?

20 A. Yes.

21 Q. Where did you see it?

22 A. The SharePoint database.

23 Q. And when did you look at that?

24 A. I believe it was end of January,
25 January 31st, 2022.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
47

1 Q. And did you go through that document
2 to confirm that that was in fact the same
3 document as the copy that you received?

4 A. I glanced at it. I didn't compare
5 them side by side.

6 Q. Did the SharePoint database have any
7 signatures on it?

8 MR. BODURTHA: Objection to form.
9 You can answer.

10 A. I don't recall.

11 Q. Excuse me. Did the document you
12 reviewed -- that you reviewed electronically,
13 specifically Exhibit H, did that have any
14 signatures on it in that SharePoint database?

15 A. I don't recall.

16 Q. Okay. Regarding Exhibit G, when you
17 reviewed that exhibit in the SharePoint
18 database, did you compare it to the document
19 that Mr. Bodurtha gave you?

20 A. I glanced at it.

21 Q. Did Exhibit G when you reviewed it in
22 the SharePoint database have any signatures on
23 it?

24 A. I don't recall.

25 Q. You reference Exhibit I. What is

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
48

1 Exhibit I?

2 A. Exhibit I is captioned -- Exhibit I is
3 a trust agreement dated 10-1-03, it's between
4 Structured Assets Securities Corporation as
5 depositor, Aurora Loan Services as master
6 servicer, Wells Fargo Bank as securities
7 administrator, Murray Hill Company as credit
8 risk manager, and LaSalle Bank National
9 Association as trustee.

10 Q. How did you -- what document do you
11 have that allowed you to look at that?

12 A. This is a document that I received
13 from Mr. Bodurtha.

14 Q. Did you look at any document on any
15 system to confirm that that was the same
16 identical document as the one Mr. Bodurtha gave
17 you?

18 A. I looked in our SharePoint database
19 and saw this document, but I didn't compare the
20 two.

21 Q. Did the document that you looked at in
22 the SharePoint database referenced herein as
23 Exhibit 1, trust agreement, have any signatures
24 on it?

25 A. I don't recall.

1 Q. Do you know when that document was
2 entered into the database -- into the
3 SharePoint data system?

4 A. No.

5 Q. Do you know who entered that
6 information into the SharePoint data system?

7 A. No.

8 Q. Do you know who entered Exhibit H into
9 the SharePoint data system?

10 A. No.

11 MR. BODURTHA: Objection to form.
12 You can answer.

13 A. No.

14 Q. Do you know where the original of
15 Exhibit H is currently?

16 A. I do not.

17 Q. Did you make any effort to find out
18 where the original of Exhibit H is?

19 A. No.

20 Q. Do you know where the original of
21 Exhibit I is at the current time?

22 A. I do not.

23 Q. Did you make any effort to find out
24 where the original of Exhibit I is?

25 A. No.

1 Q. Now you referenced Exhibit J, what
2 exhibit are you referring to?

3 A. Exhibit J is the servicing agreement
4 dated 10-1-03, Option One Mortgage Corporation
5 as servicer, Aurora Loan Services as master
6 servicer, and Lehman Brothers Holding, Inc., as
7 seller.

8 Q. And how did you -- from whom did you
9 receive that document?

10 A. Mr. Bodurtha.

11 Q. And did you view it in any other
12 manner other than the document you received
13 from Mr. Bodurtha?

14 A. In the SharePoint database I reviewed
15 it.

16 Q. And when you looked at the SharePoint
17 database, did you look at that document to
18 confirm that it was identical to the document
19 that Mr. Bodurtha sent you?

20 A. I didn't do that type of close
21 examination. I just glanced at it to make sure
22 that I could source the document.

23 Q. Did that Exhibit J that you just
24 referenced in the SharePoint database contain
25 any signatures?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
51

1 A. I don't recall.

2 Q. You reference Exhibit K. What is
3 that?

4 A. Exhibit K is redaction. It is a
5 mortgage loan schedule that the other 12,664
6 loans were redacted from, leaving the subject
7 mortgage which is on line 9771 on that
8 spreadsheet.

9 Q. Did you look at the original of
10 that -- did you look at the document other
11 than -- strike that. How did you receive that
12 redacted document?

13 A. From Mr. Bodurtha.

14 Q. And when did you receive that?

15 A. January 31st, 2022.

16 Q. And when did you -- did you review any
17 document on the SharePoint database regarding
18 that particular document?

19 A. I reviewed the mortgage loan schedule
20 in its entirety.

21 Q. And do you know what the date of that
22 mortgage loan schedule is?

23 A. I don't recall.

24 Q. Is there a date on the SharePoint
25 database for that mortgage loan schedule?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
52

1 A. The only date that might be there
2 would be the date it was -- I don't know, I'm
3 not even sure it has any dates on it. I don't
4 think it's indexed that way, by date.

5 Q. Was that document attached to the
6 trust agreement --

7 A. The document.

8 Q. -- in the SharePoint database?

9 A. The document I looked at was a
10 stand-alone document.

11 Q. Do you know when that document was
12 entered, imaged on the SharePoint database?

13 A. No.

14 Q. Do you know when the SharePoint
15 database began, or was created?

16 MR. BODURTHA: Objection. You can
17 answer.

18 A. I do not.

19 Q. Do you know who entered that image
20 into the SharePoint database --

21 A. No.

22 Q. -- referencing Exhibit K?

23 A. I do not.

24 Q. Now directing your attention to the
25 trust agreement that I believe is Exhibit I; is

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
53

1 that correct?

2 A. Yes.

3 Q. Let me pull it up for a moment,
4 please. If you can look on the -- do you have
5 the copy that was filed -- are you looking at
6 the document that was filed in the Bankruptcy
7 Court -- excuse me, in the Federal Court as
8 document number 26-4, is that at the top of
9 your screen?

10 MR. BODURTHA: Can you show us what
11 document you're looking at?

12 MR. ENNIS: I'm referring to
13 Exhibit I in your exhibits that were filed.

14 MR. BODURTHA: Okay.

15 THE WITNESS: I have it.

16 Q. I'm going to ask you to look at Page
17 33 of 139 that is in Exhibit I, where did says
18 it's in the definitions at the beginning, it
19 says mortgage loan schedule. Do you see that
20 paragraph?

21 A. Can you give me -- at the top right of
22 each one of there's a page ID number. Can you
23 give me that page ID number. It's easier for
24 me to scroll through that than the way you
25 described it.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
54

1 MR. ENNIS: 578.

2 THE WITNESS: I have it.

3 Q. And do you know where in any case the
4 schedule shall set forth the following
5 information. I'm going to ask you where on the
6 Exhibit K, the mortgagor's name is located?

7 A. It's not.

8 Q. Excuse me?

9 A. It's not.

10 Q. Okay. Can you tell me where the
11 street address of the mortgage property of the
12 defendant is located in that Exhibit K,
13 redacted Exhibit K?

14 A. On the very first page it starts --
15 goes on to the second page -- it doesn't list
16 the address.

17 Q. Now, can you tell me where on that
18 redacted Exhibit K it indicates the mortgage
19 pool in which the mortgage loan is included?

20 (PAUSE)

21 A. It doesn't seem to have that
22 information on this schedule.

23 Q. Can you show me on that exhibit,
24 redacted Exhibit K, where it indicates the
25 custodian with respect to the mortgage file,

1 related to this mortgage loan?

2 A. It's on the last page.

3 Q. Where on the last page?

4 A. On the left -- I'm sorry, on the
5 right, Wells Fargo. Column CJ.

6 Q. Now directing your attention to
7 Exhibit K, at the top of the first page after
8 the K page, there are certain columns and
9 letters below which there are stated wording.
10 For example, it says A, there it says loan ID.
11 Do you know what loan ID means in regard to
12 this particular document?

13 A. That's a reference to the loan number
14 that's exhibited on the mortgage.

15 Q. Okay. What is Exhibit B -- column B
16 says a loan ID, what is that?

17 A. I believe that is the investor loan
18 ID.

19 Q. And how do you know that?

20 A. Well, it's sort of a process of
21 elimination. I know that investors provide
22 their own loan ID numbers to these loans, and I
23 know that the other two loan numbers, the one
24 to the left of it, and the one to right of it
25 are referenced on the mortgage. So by process

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
56

1 of elimination, that's my determination it
2 would be the investor number.

3 Q. So that's a guess on your part?

4 MR. BODURTHA: Objection. You can
5 answer.

6 Q. On what basis can you say that is the
7 so-called investor number?

8 MR. BODURTHA: Objection. He
9 already answered the question. You can answer.

10 A. My basis is investors put their
11 numbers on loans that they are in trust of.

12 Q. What do you mean investor?

13 A. An investor, U.S. Bank, Wells Fargo,
14 HSBC, all these companies that service trusts,
15 Fannie Mae, Freddie Mac, they all have their
16 own specific way of identifying the number in
17 their systems.

18 Q. It's been suggested that this is the
19 loan schedule for this particular trust; is
20 that correct, is that what the assertion is?

21 A. That's correct.

22 Q. Well, who is the investor in number --
23 in this it looks like number 109718189, what
24 does that mean?

25 A. That would be the investor loan

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
57

1 number, U.S. Bank.

2 Q. So, you're going to tell me -- on the
3 original document -- not the original, the
4 unredacted document that you have, does every
5 loan have that same number on it for investor
6 number?

7 A. I have to go back and look at the
8 unredacted document. I would think not.

9 Q. Well, why is that, why would you think
10 not?

11 A. Investor loan numbers would be based
12 on individual loans.

13 Q. But isn't this supposed to be the loan
14 schedule for the trust BC 2003-BC-11, isn't
15 this supposed to be the loan schedule for this
16 trust only?

17 MR. BODURTHA: Objection. John, I
18 think you're misunderstanding the point.

19 MR. ENNIS: I don't think I need to
20 be asked any questions.

21 MR. BODURTHA: Maybe he can clarify
22 for you what he said, what he meant if the
23 investor had a number on the loan.

24 Q. Who is the investor in this number
25 109718189, who is that investor?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
58

1 A. Plaintiff.

2 Q. How do you know that?

3 A. How do I know who the plaintiff is?

4 Q. No. How do you know that is the
5 number, what that number is allocated to?

6 A. As I said before, my general
7 experience is investors have individual
8 investor loan numbers for each individual loan
9 in their trust so they can identify it in their
10 system.

11 Q. You're saying that this trust has
12 different investors?

13 MR. BODURTHA: Objection. He's not
14 saying that, John.

15 MR. ENNIS: Why don't you just --
16 the fact is, objections are only based upon
17 privilege, not -- this is not trial. So I'm
18 going to ask him again. I'm going to ask him
19 again.

20 Q. How many loans, according to this
21 record, are in this trust?

22 A. Well, I believe that's the first time
23 you asked me, it's 12,660 something loans.

24 MR. BODURTHA: Would it be helpful
25 if I shared screen and showed you the entire

1 Excel file?

2 MR. ENNIS: You can let me look at
3 it, yes. He's telling me there is different
4 investors.

5 MR. BODURTHA: No. What he's
6 telling you is the investor assigns a loan
7 number to each of these loans, that's what he's
8 testified to. You interpreted that to mean
9 that they're all these different investors
10 here. But that's not what he testified to. He
11 testified to the fact that investors will
12 assign loan numbers to each of these loans.

13 MR. ENNIS: That's nice for you to
14 testify to that, but he didn't say that.

15 MR. BODURTHA: I'm not testifying
16 to it. I'm saying what he said. You've
17 misinterpreted it. Do you want to see the loan
18 file?

19 MR. ENNIS: Not right now.

20 MR. BODURTHA: I understand what
21 appears to be the confusion here. I think it
22 might clarify the confusion if you're able to
23 see the entirety of the mortgage loan schedule.

24 MR. ENNIS: What you say is the
25 mortgage loan schedule.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
60

1 Q. Do you know, sir, when the original of
2 Exhibit K was created?

3 A. I do not.

4 Q. Does PHH Mortgage Corporation have any
5 records in relation to this loan prior to
6 January of 2008?

7 THE WITNESS: Could you repeat
8 that again?

9 Q. Does PHH Mortgage have any records in
10 relation to this loan prior to January of 2008?

11 A. Are you saying outside of these trust
12 agreements, these exhibits we've been
13 reviewing?

14 MR. ENNIS: I'm asking does PHH
15 Mortgage have any records relating to this
16 mortgage loan account prior to 2008.

17 A. I think so. I didn't look at it when
18 I was reviewing the documents, I didn't look at
19 it from that aspect of dates. But there are
20 documents that go back -- I'm not sure. I
21 think there are, but I can't say with
22 specificity. I didn't look with that in mind.
23 Well, of course, we have the copies of the
24 collateral documents, the mortgage, and the
25 note, and some of the closing origination

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
61

1 documents, monthly statements and some of those
2 type of servicing records.

3 Q. What knowledge do you have regarding
4 the location of the defendant's promissory note
5 to Option One Mortgage Corporation from
6 origination to the present as indicated in
7 topic Number 12?

8 A. According to the information I
9 reviewed, the collateral file with the original
10 note and mortgage and title policy and whatnot,
11 was placed into Wells Fargo, the document
12 custodian's care, on 7-25-03.

13 Q. What documents did you review to make
14 that determination?

15 A. I reviewed comments in the Ocwen loan
16 servicing platform.

17 Q. What date were those comments?

18 A. The particular entry I was referencing
19 was done on November 2017. I think it was
20 near -- November 13, maybe, 17, something like
21 that.

22 Q. And that was at least ten years after
23 the loan was executed; is that correct?

24 A. 14 years, close to it.

25 Q. Did you review any Wells Fargo records

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
62

1 at all?

2 MR. BODURTHA: Objection. You can
3 answer.

4 Q. I'll change the question. In regard
5 to the location of the note which you said went
6 to Wells Fargo on July 25th, 2003, did you
7 review any other Wells Fargo records in regard
8 to that assertion?

9 MR. BODURTHA: Objection. You can
10 answer.

11 A. No.

12 Q. How do you know that that is an
13 accurate assertion, if you haven't reviewed the
14 Wells Fargo records?

15 MR. BODURTHA: Objection. You can
16 answer.

17 A. Ocwen has a process where should
18 anybody ask, such as our foreclosure attorneys
19 or whatnot, they can ask for note possession
20 history as we refer to it.

21 Ocwen has a task code that they enter,
22 it goes over to the records services
23 department, and they contact these document
24 custodians and ask them, and then they respond
25 back, and then they update the information in

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
63

1 the comments and provide the information to
2 counsel as they request it.

3 Q. Were there any such requests to Wells
4 Fargo in that regard, and if so, on what dates?

5 MR. BODURTHA: Objection. Compound
6 question. You can answer.

7 A. I don't remember the specific date the
8 request is made, but the feedback was November
9 of 2017, 11-13, I believe. So it would have
10 been a request before that for them to respond
11 back with that.

12 And I think another request was made
13 some time in 2020, December of 2020, and on
14 12-30-20 a different person in the records
15 service department came back and basically
16 confirmed the same date, 7-25-03.

17 Q. Do you have possession of the
18 documents by which that information was
19 confirmed?

20 MR. BODURTHA: Objection. You can
21 answer.

22 A. I don't have it.

23 THE WITNESS: Can I ask a question
24 unrelated to the case. Do we have plans for
25 lunch break for anything?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
64

(OFF THE RECORD)

(LUNCH RECESS 12:30 TO 1:31 P.M.)

MR. ENNIS: I'm going to be sending over the interrogatories, supplemental interrogatories as an exhibit, it will be Exhibit B, I'll send it to Sam, too.

EXHIBIT B (DEFENDANT'S EXHIBIT B
MARKED FOR IDENTIFICATION)

Q. Now, Mr. Handville, just to confirm, we just took a break for an hour. Did you have occasion to speak with Mr. Bodurtha during the break about your testimony?

A. No.

Q. Now, when did you get this assignment to be a 30(b)(6) witness?

MR. BODURTHA: Objection. You can answer.

A. April 4th.

Q. Who gave you the assignment?

A. Mr. Bodurtha.

Q. Who from U.S. Bank designated you as the 30(b)(6) witness?

MR. BODURTHA: Objection to form. You can answer.

A. Nobody.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
65

1 Q. Did you have communications with an
2 employee of PHH Mortgage in which you -- strike
3 that. Who is your supervisor at your current
4 employer?

5 A. John Ramer.

6 Q. He gave you the assignment reviewing
7 any documents in regard to this case?

8 A. I don't know. These type of requests
9 come in when a matter becomes litigated and our
10 attorneys, our outside attorneys, such as
11 Mr. Bodurtha, confirm with Ocwen, PHH,
12 regarding the litigation, and they open up the
13 matter in a software application used by
14 internal and external counsels, and parties are
15 assigned at that point. And then if and when
16 counsel needs us for something, such as a
17 document execution, or research, or an
18 appearance, they can check this application and
19 find out who is assigned to it, and then they
20 contact us directly.

21 Q. When did that happen in this case,
22 when were you first notified by your employer
23 that you were going to be a witness in this
24 case?

25 A. My employer didn't notify me,

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
66

1 Mr. Bodurtha notified me.

2 Q. I believe we were on Number 12 topic.
3 You indicated that Wells Fargo was the
4 custodian of this loan, and that according to
5 something you read, that they got the note on
6 July 25th, 2003; is that correct?

7 A. Yes.

8 Q. And this trust in question did not
9 exist on July 25, 2003; is that correct?

10 A. I believe that's correct.

11 Q. Okay. So was there a custodial
12 agreement in effect between Wells Fargo and
13 Option One on July 25th, 2003?

14 A. I have not seen any custodial
15 agreements, so I can't speak to that. However,
16 my thought is that if there is a custodial
17 agreement, it would not be between Option One
18 and Wells Fargo, it would be between Wells
19 Fargo and I guess the trust.

20 Q. Well, the trust didn't exist on July
21 25, 2003, correct?

22 A. To my knowledge, yes.

23 Q. Okay. So, who was -- we asked you in
24 Number 12, the person -- you were designated as
25 the person with knowledge of the location of

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
67

1 the promissory note to Option One from
2 origination to the present. Is that agreed,
3 that was the topic?

4 A. Yes.

5 Q. And you stated that based upon some
6 notes that were prepared by somebody in 2014, I
7 think you said, or 2017, that it indicated that
8 Wells Fargo was the custodian; is that correct?

9 A. Yes.

10 Q. So my question is who were they the
11 custodian for in July 2003?

12 MR. BODURTHA: Objection. You can
13 answer.

14 A. I haven't seen a custodial agreement,
15 so I don't know for sure.

16 Q. You don't even know for sure they were
17 the custodian, correct?

18 A. They're designated in the trust
19 agreement, and they're the custodian, and
20 that's who we reach out to, that's all I can
21 tell you about.

22 Q. I'm talking before the trust agreement
23 went into effect.

24 A. Again, I haven't seen any
25 documentation on that, so I don't know.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
68

1 Q. Okay. Now, in number 13 you were
2 asked -- you were designated as the person with
3 the knowledge of the date the allonge was
4 signed, time and date the allonge was affixed
5 to the promissory note, as well as the
6 allonge -- as well as the date the allonge was
7 affixed to the note by the defendant, and the
8 identity of the person who signed the allonge.
9 Do you have any knowledge of that?

10 A. Other than the person's signature on
11 it, I think her name was Mary Conway, I do not.

12 Q. Now, did you make -- did you contact
13 Wells Fargo in regard to determining when that
14 signature was affixed?

15 MR. BODURTHA: Objection. You can
16 answer.

17 A. No.

18 Q. Why not?

19 MR. BODURTHA: Objection. You can
20 answer.

21 A. I don't think they would know when,
22 dates, times. The person that did it might
23 have that information, but the document
24 custodian, I don't see how they would have any
25 record of that.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
69

1 Q. You didn't check to see any records of
2 Wells Fargo; isn't that correct?

3 MR. BODURTHA: Objection. You can
4 answer.

5 A. I didn't reach out to Wells Fargo, no.

6 Q. Now, directing your attention to
7 Interrogatory Number 14 in your supplemental
8 answer: Interrogatory Number 14 says, Please
9 state each date that the note signed by the
10 defendant was endorsed by any person or
11 persons, along with the name, employer, job
12 title, home and business address, and telephone
13 number of each endorser.

14 In your supplemental answer, which you
15 signed on January 31st, 2022 you stated, the
16 face of the note produced to defendant
17 indicates -- excuse me, identifies -- it
18 indicates all dates and information applicable
19 to the date the note was endorsed and who
20 endorsed the note. Wasn't that your answer?

21 A. Yes.

22 Q. And what is the only date on the face
23 of the note?

24 A. From memory, I think it's 7-16-03.

25 Q. What was the only date on the allonge?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
70

1 A. I believe the same.

2 Q. Which is?

3 A. 7-16-03. I would have to look at it,
4 but from my recollection, I believe that's
5 correct.

6 Q. Now we were going through the various
7 exhibits that you referenced which was G
8 through M; is that correct?

9 A. Right.

10 Q. I think we got to K. What is exhibit
11 L that you referenced in your testimony?

12 A. Bear with me while I find it. Exhibit
13 L starts off with what appears to be a form 8K
14 in reference to United States Securities and
15 Exchange Commission current report. It says
16 it's dated March 7, 2008. H & R Block,
17 Incorporated is the registrant referenced in
18 the charter.

19 Q. And where did you receive that
20 document from?

21 A. Mr. Bodurtha.

22 Q. Did you check to see if the records of
23 PHH or Ocwen or any records -- strike that.
24 Did you review any records that are on any
25 system of record which contain that document?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
71

1 A. I don't recall.

2 Q. What is Exhibit M?

3 A. Exhibit M is a document captioned
4 LaSalle Global Trust Services on the top, dated
5 July 3 of '09. It's a notice of appointment
6 regarding this particular trust, and it
7 references the trust agreement dated 10-1-03
8 among Structured Assets Securities, Aurora Loan
9 Services, Wells Fargo, Murray Hill Company,
10 Bank of America, successor by merger to LaSalle
11 National Bank as trustee, and it's indicating
12 that Bank of America has resigned as trustee
13 and certificate registrar and depositor as
14 appointed US Bank National association to act
15 as successor trustee, and it shows their
16 address, one Federal Street, Boston,
17 Massachusetts, 02110 for US Bank National
18 association. And it's executed by Bank of
19 America, Dionne Degnan (phonetic) is vice
20 president.

21 Q. From whom did you receive that
22 document?

23 A. Mr. Bodurtha.

24 Q. And did you verify that that document
25 is on the electronic system of record, PHH?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
72

1 A. I don't recall.

2 Q. You don't recall.

3 A. There's more to this document.

4 Q. I'm just asking you to identify the
5 document. You said regarding previous
6 documents you actually looked at a system that
7 share -- what's it called?

8 A. SharePoint.

9 Q. SharePoint. You actually looked at
10 SharePoint and found what you said was certain
11 documents, right?

12 A. Yes.

13 Q. Did you find this document on
14 SharePoint?

15 A. I don't recall.

16 Q. You don't recall, or you didn't do it?

17 A. I don't recall doing it. I don't
18 recall that being required.

19 Q. Okay. So when we look at the exhibits
20 that you discussed, Exhibit L states that it's
21 a purchase agreement, is that correct, when you
22 get down to a purchase agreement for services;
23 is that correct?

24 THE WITNESS: Hang on, I'm trying
25 to find it again.

1 (PAUSE)

2 A. Yes.

3 Q. And looking at this exhibit, it does
4 not appear to have any personal signatures; is
5 that correct?

6 MR. BODURTHA: Objection. You can
7 answer. Can you direct him to a page, John?

8 MR. ENNIS: Let me direct you to
9 Pages 19 and 20 of that document.

10 A. On mine the signatures begin on 18, 19
11 and 20. These don't have hand signatures on
12 them. It looks like they have electronic
13 signatures.

14 Q. Okay. And you did not confirm that
15 there is a similar document in the possession
16 of either the custodian, PHH, or U.S. Bank; is
17 that correct?

18 MR. BODURTHA: Objection. You can
19 answer.

20 A. I did not confirm with anybody such as
21 U.S. Bank or the other parties that you
22 mentioned. I don't recall -- bear with me. I
23 don't recall if I verified this one or not in
24 our database.

25 Q. There's no loan schedules attached to

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
74

1 this, are there?

2 A. No.

3 Q. Do you know where the original of this
4 document is?

5 A. No.

6 Q. So this document is not part of your
7 business records; is that correct?

8 MR. BODURTHA: Objection. You can
9 answer.

10 A. It might be.

11 Q. Well, where did you check your image
12 program you just described?

13 A. I would have checked in January to see
14 if we had it, but if we didn't have it, I
15 wouldn't have been terribly concerned about it.

16 Q. Well, the question is you're not sure
17 if you checked, correct?

18 A. I don't recall, correct.

19 Q. So is it fair to say this is an
20 Internet document?

21 MR. BODURTHA: Objection. You're
22 not going to answer that question, John. I
23 don't even know where the foundation is for
24 that question.

25 MR. ENNIS: Well, I don't have to

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
75

1 lay a foundation. This is cross-examination.

2 MR. BODURTHA: So you're asking him
3 if it's an Internet document?

4 MR. ENNIS: You're not allowed to
5 object other than for privilege.

6 MR. BODURTHA: Okay. Ask the
7 question again.

8 Q. Forget it. Now, going to Exhibit K.
9 You said you looked at the Exhibit K on the
10 image program that you reviewed; is that
11 correct?

12 A. I looked at the unredacted version of
13 this document.

14 Q. And how long did you look at that
15 document?

16 A. Long enough to find the subject loan;
17 a couple minutes.

18 Q. How long was that?

19 A. A couple minutes.

20 Q. Did you confirm that it was identical
21 to the redacted version?

22 A. No.

23 Q. Directing your attention to Exhibit J,
24 servicing agreement. That does not contain a
25 loan schedule; is that correct?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
76

1 A. Correct.

2 Q. And you received this, the copy that
3 you reviewed from Attorney Bodurtha, correct?

4 A. Correct.

5 Q. And you had testified that you looked
6 on the image record briefly, but did not review
7 it page-by-page; is that correct?

8 A. I looked through the document. I
9 didn't compare the two. I looked at the
10 heading.

11 Q. So, you cannot state with any degree
12 of certainty that this is the same document as
13 the redacted -- and the redacted version is the
14 same document that is in the so-called records,
15 in the imaging records of PHH; is that correct?

16 MR. BODURTHA: Objection to form.
17 You can answer.

18 A. I don't understand the question. What
19 redacted documents?

20 Q. Excuse me, that the copy version --
21 you got a copy version from Mr. Bodurtha,
22 correct?

23 A. Correct.

24 Q. And you briefly skimmed through the
25 document on the system where the image is

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
77

1 preserved; is that correct?

2 A. Yes.

3 Q. And you did not go through that and
4 compare them paragraph by paragraph, did you?

5 A. I did not.

6 THE WITNESS: Let me interrupt one
7 moment.

8 MR. ENNIS: Sir, you've answered
9 the question.

10 THE WITNESS: Go ahead.

11 Q. In this document it has a place for
12 schedule of mortgage loans, does it not, in
13 Exhibit A; is that correct?

14 MR. BODURTHA: Objection to form.
15 You can answer.

16 A. Yes.

17 Q. I'll rephrase that. So you see -- do
18 you see Schedule A, I think it's on Page 61?

19 A. Yes.

20 Q. Okay. And there's no loans attached
21 to this document; is that correct?

22 A. Yes.

23 Q. Do you know when this document was
24 imaged on the database of PHH?

25 MR. BODURTHA: Objection. Asked

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
78

1 and answered.

2 A. No, I don't.

3 Q. So it's fair to say you cannot state
4 that this document is identical to the document
5 on your record, on the database of imaged
6 documents.

7 MR. BODURTHA: Objection. You can
8 answer.

9 A. I can't.

10 Q. On the trust agreement you indicated
11 that you did not -- now the other thing I'm
12 wondering here is on the trust agreement that
13 is listed as Exhibit I. Sam, I think we don't
14 have the trust agreements. I'm looking at only
15 19 pages on the trust agreement.

16 MR. ENNIS: Do you have another
17 one?

18 MR. BODURTHA: It's a pared down
19 version so that we could circulate the
20 documents.

21 MR. ENNIS: Is there a complete
22 Exhibit I? Is the trust agreement offered as
23 an exhibit in any other form?

24 MR. BODURTHA: Have we offered it
25 in any other form?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
79

1 MR. ENNIS: Have you provided it
2 any other form?

3 MR. BODURTHA: I can't remember if
4 we produced the entire agreement to you or this
5 shorter version. But I can certainly check,
6 and if we hadn't, we can send you the whole
7 entire version.

8 MR. ENNIS: I wanted to ask him
9 that question because, obviously, I only got 19
10 pages in this exhibit. So can you check that
11 right now and, perhaps, if it's around -- this
12 one doesn't have any signatures. This is right
13 off the Internet.

14 MR. BODURTHA: I don't know what
15 you're saying, right off the Internet, but the
16 signatures are on the last pages.

17 MR. ENNIS: Maybe I'm looking at a
18 different Exhibit I. I'm looking at the
19 Exhibit I that was contained in your --

20 MR. BODURTHA: On Page 587, at the
21 top there's signatures by Structured Asset,
22 LaSalle Bank and Aurora Loan Services, and on
23 588 there's Wells Fargo and Murray Hill
24 Company, and then there is a signature by
25 Lehman Brother Holdings solely for purposes of

1 Section 11.15.

2 MR. ENNIS: What I'm looking at, it
3 has /S signatures, not the actual signatures.

4 MR. BODURTHA: That's a signature.

5 MR. ENNIS: Okay.

6 MR. BODURTHA: Are you suggesting
7 that you can't countersign anything, you can't
8 electronically sign a document?

9 MR. ENNIS: When you have a partial
10 document here, we don't have the complete
11 document.

12 MR. BODURTHA: Let me see if I can
13 get the complete document.

14 MR. ENNIS: Okay.

15 Q. So when you looked at the document --

16 MR. BODURTHA: Do you want it right
17 now?

18 MR. ENNIS: Why don't we take a
19 break, and we'll do that.

20 MR. BODURTHA: Hang on.

21 (OFF THE RECORD)

22 THE WITNESS: What I was going to
23 say, I'm here in South Florida, sometimes we
24 get these wonderful rainstorms with lightning
25 and thunder. I don't know if you can hear it.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
81

1 If for some reason my Internet or something
2 goes down, that's the cause. I'll immediately
3 contact Mr. Bodurtha if we get disconnected
4 somehow.

5 MR. ENNIS: All right. Thanks.

6 MR. BODURTHA: John, I have the
7 full agreement which actually has signatures on
8 it, and we e-mailed it to you on December 13th,
9 2021 at 3:41. Do you want me to forward this
10 to you?

11 MR. ENNIS: Please. Because that's
12 different from the exhibit list that you gave
13 to Nisshy.

14 MR. BODURTHA: I think I've just
15 explained that to you.

16 MR. ENNIS: I just want to make
17 sure. You may send it to me, but it wasn't in
18 the documents that were part of the --

19 MR. BODURTHA: I just sent it to
20 you.

21 (RECESS)

22 Q. I'll try to ask you a few questions in
23 the meanwhile. Mr. Handville, so the only
24 document which Mr. Bodurtha sent you was a
25 19-page document, is that correct, that

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
82

1 particular exhibit so-called trust agreement,
2 Exhibit I; is that right?

3 A. No. I'm looking at the zip file.

4 Q. That you were just sent?

5 A. No. I'm looking at the zip file of
6 the exhibits that Mr. Bodurtha sent to me
7 January 31st in support of the response to
8 interrogatories, and it's a lot more than 19
9 pages.

10 Q. So it's a different Exhibit I than
11 what was filed correct -- you don't know that,
12 forget about that. So is that the document you
13 reviewed?

14 A. The one I initially reviewed -- there
15 are a lot of documents at the end of it. The
16 one I reviewed has handwritten signatures
17 starting on -- the page numbers are at the
18 bottom in the center, like a footer, but
19 there's numbers off to the left as well. I
20 don't know if they're Bates numbers or what
21 they are. But I get up to page -- the last
22 numbered page is 152, and it has 000171 to the
23 bottom right, and the next page does not have a
24 page number, but it has 000172 on the bottom
25 right, and that's where the handwritten

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
83

1 signatures start, and it goes through several
2 pages to different parties.

3 Q. Regarding that document that you're
4 looking at, which was Exhibit I as sent to you
5 entitled The Trust Agreement, did you in fact
6 go online and verify paragraph by paragraph
7 that that was the same document that
8 Mr. Bodurtha sent you?

9 MR. BODURTHA: Objection to form.
10 You can answer.

11 A. I don't understand the question. Are
12 you asking me is the document that I received
13 on 1-31-22, did I compare it to the exhibits he
14 sent me?

15 Q. No. On 1-31-22 where did you get
16 this -- what document did you receive on
17 1-31-22?

18 A. I received the assignment and
19 assumption agreement between Lehman Brothers
20 Bank and Lehman Brothers Holdings, which is
21 only about 12, 13 pages.

22 Q. Who did you receive that from?

23 A. Mr. Bodurtha.

24 Q. What else did you receive on January
25 31st?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
84

1 A. June 31st (sic) I received the trust
2 agreement, you're questioning me on.

3 Q. And who did you receive that from?

4 A. From Mr. Bodurtha.

5 Q. And what else did you receive on that
6 date from Mr. Bodurtha?

7 MR. BODURTHA: Objection to the
8 extent that calls for divulgence of
9 attorney/client communications, do not testify.
10 Beyond those communications, you can testify.

11 A. Those are the documents that he sent
12 me, approximately 448 pages.

13 Q. When you received the trust, what's
14 referred to as the trust agreement, did you in
15 fact go to your electronic image program and
16 compare that paragraph by paragraph to what
17 Mr. Bodurtha sent you?

18 MR. BODURTHA: Objection. You can
19 answer.

20 A. No.

21 Q. How much time did you spend reviewing
22 the document on the imaged record that you
23 mentioned you looked at?

24 A. For this document, just a minute or
25 two.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
85

1 MR. BODURTHA: Just so we're clear,
2 we actually produced this document to you on
3 multiple occasions.

4 MR. ENNIS: I was just pointing out
5 when you filed it as an exhibit, I only have 19
6 pages.

7 MR. BODURTHA: Are we clear as to
8 why I did that?

9 Q. Now, did you also receive on January
10 31st from Mr. Bodurtha a mortgage loan and sale
11 of assignment agreement between Lehman Brothers
12 Holding and Structured Asset Security
13 Corporation?

14 THE WITNESS: The assignment and
15 assumption agreement?

16 MR. ENNIS: Yes.

17 A. I received the --

18 MR. ENNIS: No, not assignment,
19 purchase and sales agreement?

20 MR. BODURTHA: Objection.

21 Q. Mortgage loan sale and assignment
22 agreement.

23 MR. BODURTHA: Objection. You can
24 answer.

25 A. No.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
86

1 Q. The exhibits you mentioned, I think it
2 was G through M, how many of those exhibits
3 sent to you by Mr. Bodurtha did you verify were
4 identical to any records on your electronic
5 image system?

6 MR. BODURTHA: Objection to form.
7 You can answer.

8 A. I don't believe I verified them as
9 being the exact same item.

10 Q. Okay. Do you know what a custodial
11 certification is?

12 A. Not off the top of my head. I've seen
13 reference to it, but I can't say that I can
14 describe what it entails.

15 MR. ENNIS: Hold on just a moment.
16 My laptop has this little blue spinning thing,
17 it's freezing for a moment. Hold on just a
18 moment while I try to get this set up.

19 (OFF THE RECORD)

20 (RECESS)

21 Q. Mr. Handville, so if you look at the
22 exhibits on the trust agreement, specifically
23 Exhibit B-1 where it says form of initial
24 certification.

25 MR. BODURTHA: Are we back on the

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
87

1 record?

2 MR. ENNIS: We thought you were
3 here. Sorry. He hasn't answered anything yet.

4 MR. BODURTHA: It's okay.

5 Q. So looking at the so-called trust
6 agreement where it says Exhibit B-1 --

7 THE WITNESS: The one that you
8 guys just e-mailed me?

9 MR. ENNIS: Yes. At the end.

10 THE WITNESS: Let me pull it up,
11 hold on.

12 (PAUSE)

13 A. Structured Asset Securities, Aurora
14 Loan Services, Wells Fargo, Murray Hill,
15 LaSalle trust agreement. I have it up.

16 Q. Do you see Exhibit B-1?

17 A. No.

18 MR. ENNIS: At the end of that.

19 MR. BODURTHA: I don't think
20 there's an Exhibit B-1.

21 MR. ENNIS: There is not?

22 MR. BODURTHA: I'm not testifying.
23 Can you give us a page number?

24 THE WITNESS: I found it. It's
25 labeled Exhibit B-1, form of initial

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
88

1 certification, is that the document you're
2 talking about?

3 MR. ENNIS: Yes.

4 THE WITNESS: Okay.

5 MR. BODURTHA: I'm sorry, okay.

6 Q. Now, the imaging program that you
7 have, that PHH has, can you give me the
8 official full name of that imaging program?

9 A. SharePoint.

10 Q. S-h-a-r-e --

11 A. Yes.

12 Q. -- p-o-i-n-t?

13 A. Correct.

14 Q. It's just called SharePoint?

15 A. Correct.

16 Q. And how do you access SharePoint?

17 A. PHH has a link you can click on to
18 access it.

19 Q. Are you able to click that link?

20 A. Yes.

21 Q. Did you in fact click that link any
22 time you tried to find documents in regard to
23 this case?

24 A. Yes. Every time I wanted to look at
25 what we had in our records, I would go to that.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
89

1 Q. Okay. In referencing Exhibit B-1,
2 that is a form of initial certification; is
3 that correct?

4 A. That's what it's captioned, yes.

5 Q. Do you know what that is?

6 A. It reads that subject to review the
7 contents thereof the undersigned (witness
8 reading document).

9 The first paragraph starts off in
10 reference to the trust agreement. It says, The
11 undersigned as custodian hereby certifies it's
12 received the documents listed in a section of
13 the trust agreement for each mortgage file
14 pertaining to each mortgage loan listed on
15 Schedule A to the trust agreement, subject to
16 any exceptions noted on Schedule 1 hereto.

17 Q. When you looked at the SharePoint
18 images, did you find any exceptions?

19 A. No.

20 Q. When you looked on SharePoint, did you
21 find a signed initial certification?

22 A. No.

23 Q. Looking at Exhibit B-2 which is
24 another form of a certification; is that
25 correct?

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
90

1 A. Yes.

2 Q. And that is a final certification --
3 no, that's an interim certification; is that
4 correct?

5 A. That's what it's captioned, yes.

6 Q. When you looked on the SharePoint
7 records, did you find an interim certification
8 that was signed?

9 A. I don't recall.

10 Q. Okay. When you looked on -- after
11 that it's Exhibit B-3, and that is form of
12 final certification; isn't that correct?

13 A. Yes.

14 Q. And when you looked at that, did
15 you -- when you looked at the SharePoint
16 document, were you able to find a final -- form
17 of final certification that was signed?

18 A. I don't recall.

19 Q. Okay. Now that certification
20 agreement references Section 2.01 in each of
21 those, the initial, the interim, and the final
22 references a section of the trust agreement
23 Section 2.01; isn't that correct?

24 A. Yes.

25 Q. Now, when you looked in the -- have

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
91

1 you ever looked at the -- have you ever had
2 possession of the actual collateral/custodial
3 file?

4 MR. BODURTHA: Are you asking him
5 personally, or on behalf of the company?

6 MR. ENNIS: Personally.

7 MR. BODURTHA: Thank you.

8 THE WITNESS: Thank you for
9 clarifying that.

10 A. No, I have not.

11 Q. Have you ever looked at a copy of the
12 custodial/collateral file in regard to this
13 litigation?

14 MR. BODURTHA: Objection. You can
15 answer.

16 A. No.

17 Q. Do you know what was contained in the
18 custodial file that was in the -- in regard to
19 this matter?

20 MR. BODURTHA: Objection. You can
21 answer.

22 A. No.

23 Q. Now, am I correct in saying that one
24 of the topics for the deposition was in fact --
25 let me give it to you exactly --

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
92

1 (OFF THE RECORD)

2 MR. ENNIS: Bad computer day.

3 Q. In Number 19 you indicate -- U.S. Bank
4 was asked to provide a person with knowledge of
5 each custodian of the defendant's collateral
6 file, custodial agreements regarding the
7 custody of the defendant's collateral file and
8 promissory note, and the contents of the
9 collateral file from origination to the
10 present. Do you see that?

11 A. That's not 19. What number are you
12 referencing?

13 MR. ENNIS: 19.

14 THE WITNESS: 19 of the depo
15 notice?

16 MR. ENNIS: Yes.

17 THE WITNESS: 19 of what?

18 MR. ENNIS: Of the deposition
19 notice.

20 A. 19 on mine says, Person with the
21 knowledge of names, business addresses, job
22 titles, servicing records --

23 MR. ENNIS: Okay, never mind. Let
24 me see what we got here. Sorry about that.

25 Q. Number 4, person with the knowledge --

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
93

1 you were designated as the person with
2 knowledge of each custodian of the defendant's
3 collateral file, custodial agreements regarding
4 the custody of the defendant's collateral file
5 and promissory note, and the contents of the
6 collateral file from origination to the
7 present. Is it fair to say you don't have any
8 knowledge regarding the contents of the
9 collateral file?

10 A. I have not viewed the collateral file,
11 so I can't speak to that with any specificity.
12 I've spoken with my counsel, he's indicated
13 what is in it, but I haven't reviewed any of
14 it.

15 Q. So, you have not made any
16 determination of what is in it yourself?

17 A. Correct.

18 Q. You previously testified on the number
19 of these topics you had no information; is that
20 correct?

21 MR. BODURTHA: Objection. That is
22 vague and overbroad. You can answer.

23 Q. Ever?

24 A. I have.

25 Q. Is it fair to say you have no

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
94

1 knowledge of topic Number 2?

2 MR. BODURTHA: Objection. You can
3 answer.

4 A. No, I don't have any specific
5 knowledge regarding that.

6 Q. And you don't have any specific
7 knowledge regarding topic Number 3; isn't that
8 correct?

9 A. Correct.

10 Q. You don't have any specific knowledge
11 of topic Number 4; is that correct?

12 A. Well, there's multiple things in this
13 one, and I have testified that our records
14 indicate Wells Fargo is the document custodian.

15 Q. When did you -- when you first found
16 that out, did you -- is there any particular
17 reason why you didn't go to Wells Fargo to
18 obtain that information?

19 MR. BODURTHA: Objection. You can
20 answer.

21 A. I didn't think I needed to. They were
22 named as one of the custodians in the trust,
23 and our records indicate that we obtained the
24 documents from them. There would be no reason
25 for me to verify it outside of that.

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
95

1 Q. Where are any records indicating that
2 you received any documents from Wells Fargo?

3 MR. BODURTHA: Objection to form.
4 You can answer.

5 Q. I'll rephrase it. What documents
6 indicate that you received any documents from
7 Wells Fargo?

8 A. I don't know. I didn't look for a
9 Bailee letter. We might have one, but I can't
10 say for sure.

11 Q. Is it fair to say there is no Bailee
12 letter from Wells Fargo in any other documents
13 that have been produced in this case?

14 MR. BODURTHA: Objection. You can
15 answer.

16 A. I couldn't say. I don't know.

17 Q. So you don't know if there is a Bailee
18 letter, correct?

19 MR. BODURTHA: Objection. Asked
20 and answered. You can answer.

21 MR. ENNIS: Sam, you're not
22 allowed -- objections in a deposition are
23 limited to privilege. You are objecting to
24 virtually every question.

25 MR. BODURTHA: That's not true. We

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
96

1 didn't agree to waive objections, and I'm
2 entitled to object on any grounds that the
3 evidence or testimony would be inadmissible.

4 MR. ENNIS: That is absolutely not
5 true.

6 Q. Let me ask you this, sir: Can you
7 name one particular document which indicates
8 that any documents were transmitted to PHH by
9 Wells Fargo Bank as custodian?

10 MR. BODURTHA: Objection. You can
11 answer.

12 A. I can't say off the top of my head. I
13 don't recall.

14 Q. Can you name one document which
15 indicates that Wells Fargo Bank transferred any
16 documents to Ocwen Loan Servicing regarding
17 this loan?

18 MR. BODURTHA: Objection. You can
19 answer.

20 A. I don't recall. I have to look and
21 see if we have it.

22 Q. You didn't check, did you?

23 MR. BODURTHA: Objection. You can
24 answer.

25 A. I didn't specifically look for them,

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
97

1 no, I didn't have time.

2 Q. You did not have time. So do you need
3 more time?

4 A. More time would be great.

5 Q. Have you ever contacted Wells Fargo in
6 regard to other depositions that you've had
7 that you've been designated the witness for?

8 MR. BODURTHA: Objection.
9 Relevancy. You can answer.

10 A. No.

11 MR. ENNIS: At this time I'd like
12 to adjourn this deposition. This witness has
13 not -- has indicated on multiple of these
14 topics he was either not prepared or didn't
15 bother looking for any records, and he's
16 indicated he needs more time. I would ask that
17 this deposition be adjourned to another date.

18 MR. BODURTHA: I have some
19 questions before you adjourn.

20 MR. ENNIS: My direct examination
21 is not complete, I'm not resting. I believe
22 this witness is not a proper 30(b)(6) witness.

23 MR. BODURTHA: I would like to ask
24 some questions.

25 MR. ENNIS: You get to ask the

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
98

1 questions after I've completed.

2 MR. BODURTHA: You're saying I
3 can't ask any questions today?

4 MR. ENNIS: No, because I am
5 adjourning this deposition because you have not
6 provided a 30(b)(6) witness who has either made
7 any diligent effort to obtain information
8 regarding the topics which were requested, nor
9 has he made any attempt to obtain documents on
10 which he may be able to testify.

11 MR. BODURTHA: I think your
12 objection is noted, but I'm still allowed to
13 ask questions.

14 MR. ENNIS: No. I'm adjourning the
15 deposition right now. I'm asking the court
16 reporter to conclude this also. I would also
17 note that this deposition has been the subject
18 of multitude, multitude objections, which like
19 my brother suggested, you can't object on
20 relevancy grounds in a deposition. This is not
21 a trial. This is a discovery deposition, and
22 as a result, deposition objections are limited
23 to privilege. Objection to the form of a
24 question, I understand that. But to suggest
25 relevancy, it has no basis in a deposition at

1 all. So I'm going to ask the court reporter to
2 adjourn the deposition and give --

3 MR. BODURTHA: Wait, wait. You're
4 not letting me ask any questions?

5 MR. ENNIS: I have not completed my
6 examination and, therefore --

7 MR. BODURTHA: I want to note for
8 the record that the counsel taking the
9 deposition has prevented the plaintiff from
10 asking any questions at this deposition. I
11 want that on the record.

12 MR. ENNIS: The deposition has not
13 been concluded. This witness has been woefully
14 prepared and has not made any effort to obtain
15 information about topics that were crucial.

16 MR. BODURTHA: I absolutely oppose
17 and object to what you're saying, and I think
18 it's categorically ridiculous that you won't
19 let me ask questions.

20 MR. ENNIS: Your testimony --
21 cross-examination of the witness occurs after
22 my deposition is concluded. Therefore, we're
23 adjourning, Sam. I am adjourning this
24 deposition because this witness, this is a bad
25 faith presentation of a 30(b)(6) witness who

1 either wasn't prepared or didn't -- didn't want
2 to be prepared, or didn't care about preparing
3 on multiple of the topics as the testimony will
4 indicate he just stated he knew nothing, and
5 that is not the purpose of a 30(b)(6)
6 deposition. So I ask this be adjourned at this
7 time.

8 MR. BODURTHA: I still want to ask
9 my questions. May I ask my questions?

10 MR. ENNIS: I'm going to object to
11 that. The deposition I scheduled, I ask the
12 court reporter to conclude the deposition right
13 now.

14 THE REPORTER: Okay. May I ask
15 who wants a copy of the transcript?

16 MR. ENNIS: I do.

17 MR. BODURTHA: Mini with an index,
18 electronic.

19 THE REPORTER: How about you, John.

20 MR. ENNIS: Electronic.

21 MR. BODURTHA: I'd like the
22 documents referred to be marked as an exhibit.

23 (OFF THE RECORD)

24 MR. BODURTHA: I want the execution
25 copy of the trust agreement that was reviewed

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
101

1 by Mr. Handville marked as an exhibit. Do you
2 want it marked as your exhibit, or do you want
3 it marked as mine?

4 THE REPORTER: It wasn't marked, I
5 don't have it. Do you want me to mark it now?

6 MR. ENNIS: You can mark it as
7 yours. You can put it in when you present
8 testimony.

9 MR. BODURTHA: I want it marked
10 now, and I'll put it as Plaintiffs' Exhibit A
11 or 1, and I'll e-mail it to the court reporter.

12 EXHIBIT 1 (PLAINTIFFS' EXHIBIT 1
13 MARKED FOR IDENTIFICATION)

14 (DEPOSITION ADJOURNED AT 2:50 P.M.)
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HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
102

C-E-R-T-I-F-I-C-A-T-E

I, LINDA L. GUGLIELMO, a Notary Public in and for the State of Rhode Island, duly commissioned and qualified to administer oaths, do hereby certify that the foregoing webconference 30(b)(6) deposition of U.S. Bank, by and through Howard Handville, a Witness in the above-entitled cause, was taken before me on behalf of the Defendant, on April 7, 2022 at 10:30 a.m., that previous to examination of said witness, who was of lawful age, he was first sworn by me and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, and that he thereupon testified as in the foregoing manner as set out in the aforesaid transcript.

I further certify that the foregoing deposition was taken down by me in machine shorthand and was later transcribed by computer and that the foregoing deposition is a true and accurate record of the testimony of said witness.

Pursuant to Rule 5 (d) and 30 (f) of the Federal Rules of Civil Procedure, original transcripts shall not be filed in court; therefore, the original is delivered and retained by Defendant's attorney, John Ennis.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of April 2022.



LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR
(MY COMMISSION EXPIRES AUGUST 13, 2025)
RMR NO. 27532

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: 000171..31st

	9:24	64:2	19-page	63:13
Exhibits	11:11,23,	13	81:25	2021
	25 46:11	28:9,11	1:31	81:9
8115816 How	48:23	61:20	64:2	2022
ard.R.	89:16	68:1		13:12
Handville	101:11	83:21	2	28:15,20
30b6 DEFEND	1-31-22	139		29:13
ANT.	83:13,15,	53:17	2	30:4
EXHIBIT1	17	13th	12:4	42:16
3:12	10	81:8	20:6,13	46:25
48:23	25:5,7,	14	32:19	51:15
101:12	11,19	29:11,13	94:1	69:15
8115816 How	10-1-03	61:24	2.01	21st
ard.R.	48:3 50:4	69:7,8	90:20,23	42:13
Handville	71:7	15	20	25
30b6 DEFEND	10-1-2003	11:7	73:9,11	66:9,21
ANT.	42:3	13:15	2003	25th
EXHIBIT2	100	30:3,6	46:11	62:6
8115816 How	5:9	152	62:6	66:6,13
ard.R.	109718189	82:22	66:6,9,	26-4
Handville	56:23	16	13,21	53:8
30b6 PLAINT	57:25	31:12,14	67:11	
IFF.	11	1661	2003-BC-11	3
EXHIBITA	25:16,18	5:9	57:14	
3:10	11-13	17	2007	3
8:14,15	63:9	31:16,18	18:23	12:11
77:13	11.15	61:20	2008	34:3,25
101:10	80:1	18	60:6,10,	71:5 94:7
0	12	31:20,22	16 70:16	30(b)(6)
	25:22,24	73:10	2010	9:4
000171	61:7	19	6:20	64:15,22
82:22	66:2,24	22:14	2014	97:22
000172	83:21	23:3,5	67:6	98:6
82:24	12,660	24:11,16	2017	99:25
02110	58:23	73:9,10	61:19	100:5
71:17	12,664	78:15	63:9 67:7	31
09	51:5	79:9 82:8	2019	28:20
71:5	12-30-20	85:5	6:20	31st
	63:14	92:3,11,	2020	28:14
1	12:30	13,14,17,	6:21	42:16
		20		46:25
1				51:15

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: 33..allowed

69:15			actual	45:2
82:7	6	A	80:3 91:2	46:11
83:25			address	48:3,23
84:1	6	absolutely	5:8,11,25	50:3
85:10	14:17,20	96:4	6:1 43:23	52:6,25
33	39:8	99:16	54:11,16	66:12,17
53:17	61	access	69:12	67:14,19,
33409	77:18	13:9	71:16	22 71:7
5:10		26:13	addresses	72:21,22
3:41	7	27:3	22:17	75:24
81:9		30:21,23	23:8	78:10,12,
		41:13	24:9,18	15,22
	7	42:17	92:21	79:4 81:7
4	14:25	45:22	adjourn	82:1
	39:24	88:16,18	97:12,19	83:5,19
	70:16	account	99:2	84:2,14
4	7-16-03	21:4	adjourned	85:11,15,
12:15	69:24	22:20	97:17	19,22
13:10,17	70:3	32:21	100:6	86:22
92:25	7-25-03	33:19,22	adjourning	87:6,15
94:11	61:12	34:6,17	98:5,14	89:10,13,
448	63:16	60:16	99:23	15 90:20,
84:12		accuracy	agreements	22 100:25
4th	75	19:24	administrat	60:12
8:21	7:8	20:8,19	or	66:15
29:13		21:1	48:7	78:14
30:4	8	22:18	advise	92:6 93:3
33:10		23:9	39:1,13	ahead
64:18	8	32:21	affixed	21:14
	17:15,18,	33:5,18,	68:4,7,14	77:10
5	23 46:1	22 34:6,	agree	AHI/
	8K	16	96:1	HOMEWOOD
5	70:13	accurate	agreed	19:1
14:15,17		19:10,17	67:2	allocated
36:11	9	34:11	agreement	58:5
5720		62:13	12:19,23,	allonge
28:1	9	accurately	24 13:23	32:8,11
578	18:2,14	33:2	14:2	68:3,4,6,
54:1	9771	act	36:21,23	8 69:25
587	51:7	71:14	37:7,8	allonges
79:20		action	42:1	14:8
588		9:15,25	43:13,19	allowed
79:23			44:15	48:11

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: America..bear

75:4	9:24	8:4		21 44:1,
95:22	11:11,25	assumption	B	24 48:6,8
98:12	12:4,10	42:1		56:13
America	areas	83:19	B-1	57:1
71:10,12,	9:6,17	85:15	86:23	64:21
19	aspect	attached	87:6,16,	71:10,11,
American	22:11	52:5	20,25	12,14,17,
19:9	31:6	73:25	89:1	18 73:16,
analogy	60:19	77:20	B-2	21 79:22
32:2	assertion	attempt	89:23	83:20
analyst	56:20	98:9	B-3	92:3
5:18,19	62:8,13	attention	90:11	96:9,15
answers	Asset	11:23	back	Bankruptcy
8:4 28:13	79:21	17:15	8:8 13:11	53:6
anticipatio	85:12	52:24	27:21,22	based
n	87:13	55:6 69:6	29:22	8:2 16:5
11:15	Assets	75:23	32:5 57:7	57:11
appearance	46:9 48:4	attorney	60:20	58:16
65:18	71:8	39:23	62:25	67:5
appears	assign	76:3	63:11,15	basically
59:21	59:12	attorney/	86:25	25:19
70:13	assigned	client	bad	32:6
applicable	65:15,19	11:13	92:2	63:15
69:18	assignee	29:16,18	99:24	basis
application	42:3	37:15,22	Bailee	56:6,10
65:13,18	assigner	39:4,6,16	25:25	98:25
appointed	42:2	46:3 84:9	26:3,5,7,	Bates
71:14	assignment	attorneys	9,11,15,	82:20
appointment	41:25	37:24	19,20,22,	BC
71:5	46:11	62:18	23 32:1	57:14
approximate	64:14,19	65:10	35:17	Beach
ly	65:6	Aurora	95:9,11,	5:10,24
84:12	83:18	48:5 50:5	17	27:24
April	85:11,14,	71:8	balance	28:2 38:7
8:21	18,21	79:22	20:9 21:1	bear
29:12	assigns	87:13	Bank	17:4
30:4	59:6	aware	9:4,11	26:16
33:10	association	31:2 32:9	15:23	39:25
64:18	48:9	37:2	16:1	40:5
area	71:14,18		17:3,7,10	41:21
assume			22:15	70:12
			37:6 42:2	73:22
			43:13,19,	

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: began..certification

began	14,24	24 82:6	98:19	7:17,19
52:15	33:14	83:8,9,23	Brothers	captioned
begin	34:20	84:4,6,7,	17:7	48:2 71:3
73:10	35:1	17,18	42:1,2	89:4 90:5
beginning	36:9,12	85:1,7,	44:24	capture
53:18	37:14,21	10,20,23	46:8 50:6	21:23
behalf	39:3,15	86:3,6,25	83:19,20	22:9
9:6,10	40:13	87:4,19,	85:11	captured
91:5	44:10,20,	22 88:5	building	22:13
Block	25 45:9,	91:4,7,	6:4,14	card
70:16	16,20	14,20	28:3,4	32:3
blue	46:2,17,	93:21	bunch	care
86:16	18 47:8,	94:2,19	6:5	31:6
board	19 48:13,	95:3,14,	business	61:12
38:9	16 49:11	19,25	5:7,11	100:2
boarded	50:10,13,	96:10,18,	22:17	Carrion
20:11	19 51:13	23 97:8,	23:8	24:22
21:4	52:16	18,23	24:18	case
22:22	53:10,14	98:2,11	26:2	7:18 26:7
23:10	56:4,8	99:3,7,16	69:12	28:20
32:22	57:17,21	100:8,17,	74:7	29:4 32:9
33:6,20,	58:13,24	21,24	92:21	54:3
23 34:8,	59:5,15,	101:9		63:24
18	20 62:2,	borrower		65:7,21,
boarding	9,15	21:25	C	24 88:23
9:20	63:5,20	Boston	C-A-R-I-O-N	95:13
21:6,14	64:11,16,	71:16	24:24	categorical
22:11	65:11	bother	call	99:18
25:2	66:1	97:15	30:17	center
32:25	67:12	bottom	called	82:18
34:10	68:15,19	82:18,23,	19:6	certainty
Bodurtha	69:3	24	23:17	76:12
10:13	70:21	break	40:24	certificate
11:12	71:23	32:15	72:7	71:13
12:25	73:6,18	63:25	88:14	certificati
16:18,23	74:8,21	64:10,12	calls	on
18:3,15	75:2,6	80:19	11:13	86:11,24
19:11,18	76:3,16,	briefly	29:15	88:1
20:2,20	21 77:14,	76:6,24	37:15	89:2,21,
23:1	25 78:7,	brings	39:15	24 90:2,
24:13	18,24	31:1	46:2 84:8	
28:25	79:3,14,	brother	capacity	
29:6,9,	20 80:4,	79:25		
	6,12,16,			
	20 81:3,			
	6,14,19,			

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: certifies..correct

3,7,12, 17,19	85:1,7	44:1,4	13:7	converted 22:21
certifies 89:11	click 88:17,19, 21	communicati on 37:23	concerned 74:15	Conway 68:11
change 62:4	close 50:20	communicati ons 11:14	conclude 98:16	copies 18:9
changed 19:16 22:1	61:24 closing 60:25	29:16,18 37:15 39:4 65:1	concluded 99:13,22	60:23 copy 8:11 9:21
charged 21:3	code 62:21	84:9,10 companies 56:14	confirm 19:23 22:18 47:2	17:2 46:12 47:3 53:5
charter 70:18	collateral 14:9	company 48:7 71:9	48:15 50:18 64:9	76:2,20, 21 91:11 100:15,25
check 65:18 69:1 70:22 74:11 79:5,10 96:22	26:10 27:19 35:5,9,21 36:2 60:24 61:9 92:5,7,9 93:3,4,6, 9,10	79:24 91:5 compare 47:4,18 48:19 76:9 77:4 83:13 84:16	65:11 73:14,20 75:20 confirmed 23:9 34:5,16 63:16,19	Corp 37:19 corporate 37:6 Corporation 5:21 6:4 7:20
checked 24:6,21 31:10 74:13,17	collateral/ custodial 45:7 91:2	complaint 30:2,9	confusion 59:21,22	44:24 46:10 48:4 50:4 60:4 61:5 85:13
CHECKING 26:17	column 55:5,15	complete 40:3 78:21 80:10,13 97:21	considerati ons 45:4	
Chris 24:19	columns 55:8	completed 98:1 99:5	contact 62:23 65:20 68:12 81:3	Corporation 's 5:22
circulate 78:19	comments 27:12 30:8 61:15,17 63:1	complex 28:5	contacted 97:5	correct 6:14 7:2 13:13 14:21,22 15:23,24 16:3
claim 36:5	Commission 70:15	Compound 63:5	contained 79:19 91:17	20:12,24 24:12 26:15,18 33:10,11 35:6
clarify 57:21 59:22	commitment 14:7	computer 30:19,21, 23 92:2	contents 35:21 36:1 89:7 92:8 93:5,8	40:13 42:14
clarifying 91:9	communicate 37:18 43:25	computerize d		
clear				

HOWARD R. HANDVILLE 30b6

April 07, 2022

US BANK NATIONAL ASSOCIATION vs SHAKOORI

Index: correctly..deposition

43:14	count	custodian	47:6,14,	63:13
44:11,15,	26:12	12:19	18,22	81:8
16 45:14,	countersign	13:18,20,	48:18,22	decision
19 53:1	80:7	24 14:3,	49:2	11:18
56:20,21	couple	12 35:5,9	50:14,17,	defendant
61:23	75:17,19	45:8	24 51:17,	29:5,7,8
66:6,9,	court	54:25	25 52:8,	54:12
10,21	53:7	66:4	12,15,20	68:7
67:8,17	98:15	67:8,11,	73:24	69:10,16
69:2	99:1	17,19	77:24	defendant's
70:5,8	100:12	68:24	78:5	8:15 9:20
72:21,23	101:11	73:16	date	22:19,20
73:5,17	created	89:11	7:14	36:7 39:9
74:7,17,	43:5,6	92:5 93:2	18:24	61:4 64:7
18 75:11,	52:15	94:14	42:14	92:5,7
25 76:1,	60:2	96:9	51:21,24	93:2,4
3,4,7,15,	credit	custodian's	52:1,2,4	definitions
22,23	48:7	61:12	61:17	53:18
77:1,13,	cross-	custodians	63:7,16	Degnan
21 81:25	examination	14:5	68:3,4,6	71:19
82:11	75:1	35:13	69:9,19,	degree
88:13,15	99:21	62:24	22,25	76:11
89:3,25	crucial	94:22	84:6	department
90:4,12,	99:15	custody	97:17	18:21
23 91:23	current	92:7 93:4	dated	28:20
93:17,20	44:6		42:3	62:23
94:8,9,11	49:21	D	46:11	63:15
95:18	65:3	data	48:3 50:4	depo
correctly	70:15	21:9,15	70:16	92:14
22:13	custodial	27:15	71:4,7	deposed
counsel	13:22	34:11	dates	7:4,10,
10:11	14:1,10,	40:23	52:3	13,18 9:9
15:2	11 45:23	41:1,4	60:19	15:22
25:14,20	66:11,14,	49:3,6,9	63:4	deposited
26:19	16 67:14	database	68:22	41:15,18
27:14,22	86:10	30:17	69:18	depositing
30:15	91:18	38:12,14	day	41:12
42:6,21,	92:6 93:3	40:21,22	92:2	deposition
22,24	custodial/	41:2,5,7,	deal	7:22,25
63:2	collateral	10,12,16	36:16	8:12,13,
65:16	91:12	42:25	38:11	18 9:22
93:12	counsels	43:2,4,5	December	10:5
99:8	65:14	46:22		

HOWARD R. HANDVILLE 30b6

April 07, 2022

US BANK NATIONAL ASSOCIATION vs SHAKOORI

Index: depositions..electronic

12:5,10,	determine	12 28:21,	90:16	65:7
11,16,17	9:15 10:1	23 32:3	94:14	72:6,11
14:16,24	19:15,22	38:18	96:7,14	76:19
17:18	determined	39:11	documentati	78:6,20
25:7,12	11:9	40:17	on	81:18
33:10	determining	42:5,7,8,	67:25	82:15
38:25	68:13	17,23	documents	84:11
91:24	diligent	43:1,4,10	10:6,9,	88:22
92:18	98:7	46:13,16,	11,14,17,	89:12
95:22	Dionne	19 47:1,	24 11:1,	94:24
97:12,17	71:19	3,11,18	2,5,24	95:2,5,6,
98:5,15,	direct	48:10,12,	12:1,3,7,	12 96:8,
17,20,21,	73:7,8	14,16,19,	8,13,14	16 98:9
22,25	97:20	21 49:1	14:5,6,	100:22
99:2,9,	directing	50:9,12,	14,19,23	due
10,12,22,	11:23	17,18,22	15:1,7	20:9 21:2
24 100:6,	17:15	51:10,12,	16:7,12,	
11,12	52:24	17,18	16,22	E
depositions	55:6 69:6	52:5,7,9,	17:13,16,	
97:6	75:23	10,11	22 18:1,	e-mail
depositor	directly	53:6,8,11	7,13	101:11
48:5	65:20	55:12	19:7,8,	e-mailed
71:13	disbursemen	57:3,4,8	14,15,24,	81:8 87:8
describe	ts	61:11	25 20:19,	earlier
31:25	21:24	62:23	23,25	7:15
86:14	disconnecte	65:17	23:3,5	43:12,17
designate	d	68:23	25:6,10,	early
9:4	81:3	70:20,25	17,23	6:21
designated	discovery	71:3,22,	26:10,14,	easier
45:12	8:1 98:21	24 72:3,	17 27:13,	53:23
64:21	discussed	5,13	19 28:10	effect
66:24	72:20	73:9,15	29:12	66:12
67:18	division	74:4,6,20	30:1,4,9,	67:23
68:2 93:1	5:13	75:3,13,	16 31:13,	effort
97:7	divulgence	15 76:8,	16,21	23:12
desktop	84:8	12,14,25	34:4,15	49:17,23
30:15	document	77:11,21,	35:14,15	98:7
determinati	10:4	23 78:4	36:16	99:14
on	13:6,7	80:8,10,	38:11,14,	electronic
11:10	14:4,10,	11,13,15	20,22	13:3
56:1		81:24,25	39:20,22	18:25
61:14		82:12	41:22	19:25
93:16		83:3,7,	44:9	
		12,16	60:18,20,	
		84:22,24	24 61:1,	
		85:2 88:1	13 63:18	
		89:8		

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: electronically..face

20:11	60:14	59:23	65:17	exhibited
21:5,12	64:3 73:8	entitled	100:24	55:14
22:22	74:25	83:5 96:2	exhibit	exhibits
32:22	75:4 77:8	entity	8:14,15	10:19
34:8,19	78:16,21	13:25	10:18	15:2,3,4,
40:15,17	79:1,8,17	36:24	17:2	10 40:2
45:6	80:2,5,9,	37:9	36:18	41:23
71:25	14,18	entry	40:4	42:18
73:12	81:5,11,	61:18	41:24,25	53:13
84:15	16 85:4,	escrow	44:6,8	60:12
86:4	16,18	20:9 21:2	46:6,7,8	70:7
100:18,20	86:15	evidence	47:13,16,	72:19
electronica	87:2,9,	96:3	17,21,25	82:6
lly	18,21	exact	48:1,2,23	83:13
47:12	88:3 91:6	18:13	49:8,15,	86:1,2,22
80:8	92:2,13,	86:9	18,21,24	exist
elimination	16,18,23	examination	50:1,2,3,	66:9,20
55:21	95:21	5:5 50:21	23 51:2,4	experience
56:1	96:4	97:20	52:22,25	15:19,21
employee	97:11,20,	99:6	53:13,17	58:7
65:2	25 98:4,	Excel	54:6,12,	explain
employer	14 99:5,	59:1	13,18,23,	13:2 21:7
65:4,22,	12,20	exceptions	24 55:7,	explained
25 69:11	100:10,	89:16,18	15 60:2	81:15
end	16,20	excerpt	64:5,6,7	express
46:24	101:6	40:11	70:10,12	45:25
82:15	ensures	Exchange	71:2,3	extension
87:9,18	21:18	70:15	72:20	6:23 7:2
endorsed	entails	excuse	73:3	extent
69:10,19,	86:14	6:11	75:8,9,23	29:17
20	enter	20:24	77:13	37:22,24
endorser	62:21	44:21	78:13,22,	39:4 84:8
69:13	entered	47:11	23 79:10,	external
ENNIS	27:15	53:7 54:8	18,19	65:14
5:6 18:5,	41:1,4,5	69:17	81:12	extrapolati
8 29:8,22	43:1	76:20	82:1,2,10	on
32:14	49:2,5,8	executed	83:4 85:5	
53:12	52:12,19	61:23	86:23	
54:1	entire	71:18	87:6,16,	face
57:19	58:25	execution	89:1,23	
58:15	79:4,7		90:11	
59:2,13,	entirety		100:22	
19,24	40:20		101:1,2,	
	51:20		10	

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: facilities..guys

69:16,22	79:23	filings	64:23	
facilities	87:14	10:20	70:13	G
6:6	94:14,17	final	76:16	
facility	95:2,7,12	90:2,12,	77:14	gave
6:8 31:8	96:9,15	16,17,21	78:23,25	44:10
	97:5	Financial	79:2 83:9	47:19
fact	Fargo's	5:21,22	86:6,23	48:16
19:17	45:22	6:4 7:20	87:25	64:19
47:2	February	37:19	89:2,24	65:6
58:16	10:15	find	90:11,16	81:12
59:11	13:11	23:12	95:3	general
83:5	42:13	49:17,23	98:23	34:14
84:15	Federal	65:19	format	35:23
88:21	53:7	70:12	46:19	58:6
91:24	71:16	72:13,25	forward	generally
failures	feedback	75:16	81:9	27:16,17
22:9	63:8	88:22	found	give
fair	feel	89:18,21	72:10	53:21,23
32:19	8:7	90:7,16	87:24	87:23
44:8,17	fees	five-minute	94:15	88:7
74:19	20:10	32:15	foundation	91:25
78:3	21:3	floor	20:3 29:1	99:2
93:7,25	figures	5:14,15	74:23	glanced
95:11	21:20	Florida	75:1	47:4,20
faith	file	5:10	frame	50:21
99:25	14:9,12	27:24	18:20	Global
familiar	21:12,14	28:2	FRCP	71:4
7:21	35:5,9,21	80:23	9:4	gosh
Fannie	36:2 45:7	focused	Freddie	13:11
56:15	54:25	34:10	56:15	great
Fargo	59:1,18	footer	free	97:4
13:21,24	61:9	82:18	8:7	grounds
35:5,8,18	82:3,5	foreclosure	freezing	96:2
48:6 55:5	89:13	62:18	86:17	98:20
56:13	91:3,12,	forget	front	guess
61:11,25	18 92:6,	75:8	9:22	7:8 8:3
62:6,7,14	7,9 93:3,	82:12	FSB	56:3
63:4	4,6,9,10	form	42:2	66:19
66:3,12,	filed	34:20	full	guidelines
18,19	30:10	35:1 45:9	81:7 88:8	22:24
67:8	53:5,6,13	47:8		guys
68:13	82:11	49:11		
69:2,5	85:5			
71:9				

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: hand..inquiry

87:8	58:24	56:14	30:11,12, 14,15	71:11 95:1
H	hereto 89:16	I	52:12	individual 9:5 57:12
hand 73:11	high-rise 28:4	ID 53:22,23	77:24	58:7,8
handle 14:5	Hill 48:7 71:9	55:10,11, 16,18,22	78:5	industrial 28:5
handled 13:5	87:14	idea 44:17	84:22	information 11:14,16
handles 38:10	histories 18:9,10, 12,17	identical 42:8	images 89:18	21:11
Handville 5:7 11:17	25:20	48:16	imaging 26:6	22:3,7, 10,12,24
29:19,25	30:7	50:18	30:24	23:15
32:18	history 25:13	75:20	31:5,7	24:15,17
37:23	62:20	78:4 86:4	76:15	33:1,5
39:5 64:9	HMSI 18:18,20	IDENTIFICAT ION 8:16 64:8	88:6,8	34:24
81:23	hold 86:15,17	identifies 69:17	immediately 81:2	37:13
86:21	87:11	identify 27:1 58:9	impetus 32:24	39:2,14
101:1	holding 42:3 46:8	72:4	implemented 13:4	41:15
handwritten 82:16,25	50:6	identifying 56:16	imports 33:1	44:22
handy 43:24	85:12	identity 68:8	inadmissibl e 96:3	45:13
Hang 72:24	Holdings 79:25	idesk 30:17,24	included 42:18	49:6
80:20	83:20	31:3	54:19	54:5,22
happen 65:21	home 19:9	image 30:18	Incorporate d 70:17	61:8
happened 44:18	69:12	52:19	index 14:11	62:25
head 86:12	Homewood 18:19,21	74:11	45:6	63:1,18
96:12	hour 64:10	75:10	100:17	68:23
heading 76:10	hours 11:7	76:6,25	indexed 52:4	69:18
hear 80:25	13:15	84:15	India 24:7	93:19
helpful	HSBC	imaged 26:21	indicating 27:12	94:18
				98:7
				99:15
				initial 86:23
				87:25
				89:2,21
				90:21
				initially 82:14
				input 22:12
				34:11
				inquiry 9:7,17,24

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: interest..listed

11:11,25	56:10	Jolene	18,25	55:4,24
12:4,10	58:7,12	38:3,5	61:3	82:19
16:9	59:4,9,11	July	66:22,25	legal
interest	involved	62:6	68:3,9	30:9
20:9,10	37:25	66:6,9,	92:4,21,	Lehman
21:1,3	involves	13,20	25 93:2,8	17:7
interim	21:6	67:11	94:1,5,7,	42:1,2
21:21	37:22	71:5	10	44:24
22:2	item	June		46:8 50:6
90:3,7,21	86:9	84:1	L	79:25
internal	items			83:19,20
6:5 65:14	12:21	K	labeled	85:11
Internet			41:25	letter
74:20	J	keeping	87:25	32:1
75:3		27:20	labels	35:17
79:13,15		45:23	36:18	95:9,12,
81:1	January	Kennedy	lack	18
interpreted	28:14,20	24:19	45:25	letters
59:8	42:16	knew	lacks	25:25
interrogato	46:24,25	100:4	29:1	26:4,5,
ries	51:15	knowledge	language	11,15,19,
28:14,19	60:6,10	8:3 9:5,	21:9	20,22,23
29:4	69:15	17,19	laptop	55:9
32:16	74:13	10:2,3	86:16	letting
36:20	82:7	11:11,19,	Lasalle	99:4
64:4,5	83:24	21,22	48:8	library
82:8	Jersey	15:25	71:4,10	32:3
Interrogato	24:8	16:2,6	79:22	lightning
ry	job	20:4,7,	87:15	80:24
69:7,8	22:17	15,16,18	late	limited
interrupt	24:18	22:16	6:20	95:23
77:6	69:11	23:7	lateral	98:22
investor	92:21	24:11	14:5	link
55:17	John	32:20		88:17,19,
56:2,7,	28:25	33:4,13,	Law	21
12,13,22,	33:16	15,17,21,	38:6	list
25 57:5,	57:17	24 34:1,	lay	10:18
11,23,24,	58:14	4,15,24	75:1	54:15
25 58:8	65:5 73:7	35:20,23	leaving	81:12
59:6	74:22	36:1,5	51:6	listed
investors	81:6	37:3,5		11:21
55:21	100:19	38:17	left	78:13
		39:9,18		
		45:5,13,		

HOWARD R. HANDVILLE 30b6

April 07, 2022

US BANK NATIONAL ASSOCIATION vs SHAKOORI

Index: litigated..mentioned

89:12,14	17,22,23	logging	21:23,24	March
litigated	56:19,25	27:19	38:19	70:16
65:9	57:5,11,	long	39:11	mark
litigation	13,15,23	8:25 11:4	63:8,12	101:5,6
11:15	58:8	38:9	93:15	marked
65:12	59:6,12,	75:14,16,	98:6,9	8:14,16
91:13	17,23,25	18	99:14	40:2 64:8
live	60:5,10,	longer	Mae	100:22
21:19,22	16 61:15,	6:15 7:1	56:15	101:1,2,
load	23 66:4	24:20	maintained	3,4,9
23:10	71:8	looked	14:9	Mary
loads	73:25	25:13,14,	30:16	68:11
19:25	75:16,25	20 26:1,	43:7	Massachuset
loan	79:22	20,24	maintaining	ts
5:18 9:20	85:10,21	27:4,10,	45:24	71:17
13:4,18	87:14	11 30:7,	major	master
15:21	89:14	11 42:25	22:10	21:14
19:4	96:16,17	48:18,21	make	48:5 50:5
20:11	loans	50:16	22:9,11	material
21:4,15,	21:6 51:6	52:9	23:12	21:20
19,22	55:22	72:6,9	49:17,23	matter
22:4,11,	56:11	75:9,12	50:21	65:9,13
20,21	57:12	76:5,8,9	61:13	91:19
25:2	58:20,23	80:15	68:12	means
30:16	59:7,12	84:23	81:16	55:11
31:1	77:12,20	89:17,20	making	meant
32:21	located	90:6,10,	27:18	57:22
33:3,19	15:10	14,15,25	32:25	members
34:6,7,17	16:7,10,	91:1,11	management	37:19
35:6,9,24	13,17	lot	21:17	memo
38:14,19	23:25	10:11,23	23:19,24	10:20
39:19	24:2,3	82:8,15	manager	memorandums
40:3,10,	27:25	lunch	48:8	10:23
12,20	30:13	63:25	manages	memory
44:11,18,	31:7	64:2	28:6	27:16
23 45:3	43:10,21,	<hr/>	manner	69:24
46:10	22 54:6,	M	20:7,18	mentioned
48:5 50:5	12	<hr/>	32:20	23:17,21
51:5,19,	location	Mac	33:4,18,	41:23
22,25	6:13 24:3	56:15	21 50:12	73:22
53:19	61:4 62:5	made	manuals	
54:19	66:25	11:9,19	22:23	
55:1,10,	locations	16:9		
11,13,16,	24:9			

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: merged..object

84:23	22:20,21		98:12	14,16,18,
86:1	32:21	N	notes	20,22
merged	33:19		14:8 26:1	32:19
43:7	34:6,17	named	27:6 67:6	34:3,24
merger	36:25	24:21	notice	36:11
71:10	37:9	35:12	8:12,13,	39:8,24
mind	38:18	38:3	17 9:22	40:4
60:22	39:10,19	94:22	12:11,16	41:20
92:23	40:3,10,	names	14:16	46:1
mine	12,19	22:16	25:7,11	53:8,22,
73:10	44:14,24	23:7	33:9	23 55:13
92:20	46:10	24:18	38:24	56:2,7,
101:3	50:4	92:21	71:5	16,22,23
Mini	51:5,7,	National	92:15,19	57:1,5,6,
100:17	19,22,25	48:8	notified	23,24
minute	53:19	71:11,14,	65:22	58:5 59:7
84:24	19,25	17	66:1	61:7
minutes	55:1,14,	needed	notify	66:2,24
9:1	25 59:23,	94:21	65:25	68:1
75:17,19	25 60:4,	nice	November	69:7,8,13
misinterpre	9,15,16,	59:13	61:19,20	82:24
ted	24 61:5,	night	63:8	87:23
59:17	10 65:2	11:3	number	92:3,11,
mistaken	77:12	Nisshy	6:7,23	25 93:18
31:9	85:10,21	81:13	9:24	94:1,7,11
misundersta	89:13,14	north	11:11,23,	numbered
nding	mortgagor's	7:8	25 12:4,	82:22
57:18	54:6	note	10,15	numbers
moment	MSP	14:6 36:7	13:10,17	22:5
24:10	12:20	60:25	14:15,20,	55:22,23
39:25	13:1 19:2	61:4,10	25 17:15,	56:11
53:3 77:7	41:8	62:5,19	18,23	57:11
86:15,17,	multiple	66:5 67:1	18:2,14	58:8
18	85:3	68:5,7	20:6,13	59:12
monthly	94:12	69:9,16,	22:6,14	82:17,19,
20:9 21:2	97:13	19,20,23	23:3,5	20
61:1	100:3	92:8 93:5	24:16	O
mortgage	multitude	98:17	25:5,6,	object
9:20 13:5	98:18	99:7	11,16,17,	11:12
14:6 19:9	Murray	noted	19,22,23	29:14
21:4	48:7 71:9	37:17	28:9,11	75:5 96:2
	79:23	89:16	29:11,13	98:19
	87:14		30:3,6	99:17
			31:1,12,	

HOWARD R. HANDVILLE 30b6

April 07, 2022

US BANK NATIONAL ASSOCIATION vs SHAKOORI

Index: objecting..payments

100:10	97:8	96:16	17:13	5:10, 24
objecting	98:12, 23	Ocwen's	43:9, 18	27:24
95:23	objections	22:18	44:5	28:1 38:7
objection	58:16	23:9	49:14, 18,	paper
16:18, 23	95:22	34:19	20, 24	45:6
18:15	96:1	offered	51:9 57:3	paragraph
19:11, 18	98:18, 22	78:22, 24	60:1 61:9	53:20
20:2, 20	obtain	office	74:3	77:4 83:6
24:13	42:23	5:14, 23	originals	84:16
28:25	94:18	6:3, 9, 13	15:6, 9	89:9
29:6, 24	98:7, 9	38:7	16:6	pared
33:14	99:14	offices	origination	78:18
34:20	obtained	6:6	14:6	Park
35:1	11:14	official	35:22	28:1
36:9, 12	35:14, 15	88:8	36:2, 7	part
37:14, 21	94:23	online	39:10	8:1 36:18
39:3, 15	occasion	83:6	60:25	56:3 74:6
44:20, 25	64:11	open	61:6 67:2	81:18
45:9, 16,	occasions	30:25	92:9 93:6	partial
20 46:2	85:3	65:12	overbroad	80:9
47:8	occurs	operations	93:22	parties
49:11	99:21	24:7	P	65:14
52:16	October	oppose	p-o-i-n-t	73:21
56:4, 8	46:11	99:16	88:12	83:2
57:17	Ocwen	Option	P.M.	PAUSE
58:13	5:21, 22	36:15, 24	64:2	17:5
62:2, 9, 15	6:4, 19	37:8	page-by-	40:1, 9
63:5, 20	7:20	44:13, 14,	page	42:15
64:16, 23	18:10, 18,	19, 23	76:7	54:20
67:12	24 19:3,	50:4 61:5	pages	73:1
68:15, 19	5, 8, 16	66:13, 17	73:9	87:12
69:3	27:12	67:1	78:15	pay
73:6, 18	33:6	order	79:10, 16	18:9, 10,
74:8, 21	34:5, 7, 8,	11:24	82:9	11, 17
76:16	16, 18	12:9	83:2, 21	30:7
77:14, 25	35:15	20:25	84:12	payment
78:7 83:9	36:22	28:10	85:6	20:10
84:7, 18	37:19	30:5	paid	21:2
85:20, 23	43:6, 7, 8	31:17, 21	45:4	25:13, 20
86:6	61:15	original	Palm	payments
91:14, 20	62:17, 21	16:16, 22		21:23
93:21	65:11			
94:2, 19	70:23			
95:3, 14,				
19 96:10,				
18, 23				

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: people..property

people	13:5	platform	prepared	19:24
15:16	18:10,18	13:4 19:5	67:6	21:13
period	19:16,21,	25:15	97:14	22:7
21:21	22 20:8,	34:12	99:14	29:12
22:2	19,25	61:16	100:1,2	32:25
	22:24	pleadings	preparing	60:5,10,
person	27:12	10:21	11:15	16
9:16,19	32:20	30:8	100:2	privilege
10:1	33:4,7,	point	present	58:17
11:10,20	18,22	40:23	35:22	75:5
15:25	42:8	57:18	36:3,8	95:23
16:2	43:5,6,7	65:15	39:10	98:23
20:5,7,14	60:4,9,14	pointing	61:6 67:2	process
21:8	65:2,11	85:4	92:10	8:1 21:7
22:16	70:23	policy	93:7	34:10
24:20,21	71:25	14:7	101:7	55:20,25
33:17	73:16	61:10	presentatio	62:17
38:3,10	76:15	pool	n	produced
45:12	77:24	54:19	99:25	39:21
63:14	88:7,17	possession	presented	42:19
66:24,25	96:8	15:13	16:1	69:16
68:2,8,22	PHH's	16:13	preserved	79:4 85:2
69:10	20:11	62:19	77:1	95:13
92:4,20,	21:5,6	63:17	product	
25 93:1	22:22	73:15	president	11:16
person's	23:10	91:2	71:20	29:17,18
68:10	25:2	Possibly	prevented	production
personal	32:22	38:15	99:9	36:19
8:3 37:3,	33:23	Premier	previous	program
4 73:4	phone	28:1	72:5	30:25
personally	6:23	preparation	previously	31:4
91:5,6	phonetic	10:5	93:18	74:12
persons	24:22	13:15	primarily	75:10
22:18	71:19	14:20,24	22:10	84:15
23:8	place	18:14	principal	88:6,8
69:11	77:11	prepare	20:8,10	promissory
pertaining	plaintiff	12:4,9,16	21:1,2	61:4 67:1
89:14	29:7	17:17,22	printed	68:5 92:8
petitions	58:1,3	28:10	13:6	93:5
10:21	99:9	30:5	prior	proper
30:8	Plaintiffs'	31:13,17,	6:22	97:22
PHH	101:10	21	18:11	property
5:12	plans			54:11
12:20	63:24			

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: protocol..records

protocol	8:7 17:19	read	18:1,6	64:2
19:21,23	18:4,7,16	8:8,22,	23:4	81:21
21:13	23:1,2	23,25	25:6,10,	86:20
	25:9	10:21,22,	17,23	
protocols	29:1,21,	25 29:22,	26:3,19	recollectio
22:23	23 33:20	23 66:5	27:20	n
			28:10	70:4
provide	34:14	readiness	29:12	record
15:16	56:9 62:4	10:20,22	42:4	19:1
22:15	63:6,23		46:12,15	20:1,12
55:21	66:8	reading	50:9	21:5,16
63:1 92:4	67:10	11:5 89:8	51:11,14	22:23
	74:16,22,	reads	70:19	25:3 28:6
provided	24 75:7	89:6	71:21	33:23
17:2,9	76:18		83:16,22,	34:9,19
19:8,15	77:9 79:9	real	24 84:3,5	40:16,18
23:15	83:11	19:6	85:9	45:23
25:14	95:24	22:19,21		58:21
28:23	98:24	40:8	received	64:1
29:3 79:1			8:11,21	68:25
98:6	questioning	reason	9:14	70:25
	84:2	81:1	10:10,18	71:25
pull		94:17,24	11:6	76:6 78:5
40:7 53:3	questions		12:24	80:21
87:10	57:20	recall	18:9	84:22
	81:22	7:9,12,16	22:12	86:19
purchase	97:19,24	9:13	26:15	87:1 92:1
37:8	98:1,3,13	10:23	27:13	99:8,11
72:21,22	99:4,10,	28:8,13	30:14	100:23
85:19	19 100:9	29:10	33:9	
		38:23	40:12	records
purchaser	quick	47:10,15,	47:3	16:15
46:10	40:8	24 48:25	48:12	18:21
		51:1,23	50:12	22:19
purpose		71:1	76:2	23:9
100:5	R	72:1,2,	83:12,18	26:2,6,7,
		15,16,17,	84:1,13	9,21
purposes	rainstorms	18 73:22,	85:17	27:17,23
79:25	80:24	23 74:18	89:12	30:11,12,
Pursuant	Ramer	90:9,18	95:2,6	14,16
9:3	65:5	96:13,20		31:1,3,9
put			receiving	32:25
30:25	reach	receive	38:24	41:12
56:10	67:20	10:8,10,		45:24
101:7,10	69:5	14,17	recently	60:5,9,15
		12:1,6,8,	31:11	61:2,25
Q	reached	12,14,22		62:7,14,
	6:23	14:14,19,	RECESS	
	35:13,15	23 17:16,	32:17	
question		21,25		

HOWARD R. HANDVILLE 30b6

April 07, 2022

US BANK NATIONAL ASSOCIATION vs SHAKOORI

Index: redacted..reviewing

22 63:14	referencing	71:13	request	review
69:1	52:22	related	63:2,8,	11:24
70:22,23,	61:18	55:1	10,12	12:3,6,
24 74:7	89:1	relating	requested	12,15
76:14,15	92:12	60:15	9:3 98:8	13:14
86:4	referred	relation	requests	14:15,18,
88:25	36:22	60:5,10	27:19	19,24
90:7	84:14	relevancy	63:3 65:8	17:16,21,
92:22	100:22	97:9	required	25 18:13
94:13,23	referring	98:20,25	72:18	19:7,14
95:1	26:8	remember	research	20:25
97:15	41:24	7:14 27:9	65:17	23:4 30:4
redacted	50:2	28:17	reside	31:13,17,
40:10	53:12	29:3 63:7	30:15	19,21,23
51:6,12	regard	79:3	residential	39:23
54:13,18,	9:24 10:2	remotely	18:21	42:23
24 75:21	12:4,10,	6:10,12	resides	51:16
76:13,19	15 13:10,	repeat	21:15	61:13,25
redaction	23 14:15,	25:8	resigned	62:7
51:4	25 15:5,	29:20	71:12	70:24
refer	21 17:18	60:7	respect	76:6 89:6
14:4	18:2 20:6	rephrase	54:25	reviewed
62:20	24:17	8:9 29:2	respond	10:6 11:2
reference	25:6,16,	44:21	8:2 28:22	12:9,18,
23:23	17,22,23	77:17	62:24	20,21
26:9 32:6	30:3	95:5	63:10	15:1,5
44:13	31:20	report	response	18:10,11,
47:25	32:18,23	21:18,21,	36:19	22 27:7
51:2	36:11	22 70:15	39:23	30:2
55:13	37:19	reporter	82:7	34:5,15
70:14	39:8	98:16	responsible	36:16
86:13	41:20,21	99:1	27:18	40:19
89:10	46:1	100:12,	31:6	47:12,17,
referenced	55:11	14,19	resting	21 50:14
9:21 46:6	62:4,7	101:4,11	97:21	51:19
48:22	63:4 65:7	repository	result	61:9,15
50:1,24	68:13	30:18	98:22	62:13
55:25	88:22	representat	retain	75:10
70:7,11,	91:12,18	ive	22:6	76:3
17	97:6	15:22	reviewing	82:13,14,
references	registrant	37:6	60:13,18	16 93:13
36:14	70:17	registrar	84:21	100:25
71:7				
90:20,22				

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: ridiculous..sitting

ridiculous	56:19	senior	75:24	side
99:18	57:14,15	5:18,19	92:22	47:5
	59:23,25		96:16	
risk	75:25	separate		sign
48:8	77:12,18	6:3	set	28:19
	89:15,16	service	54:4	80:8
Road		13:4	86:18	signature
5:9 28:1	scheduled	18:11	share	68:10,14
Rs	100:11	23:23	72:7	79:24
24:24	schedules	34:7,18	shared	80:4
run	73:25	56:14	58:25	signatures
22:3,8	screen	63:15		47:7,14,
24:19	53:9	servicer	Sharepoint	22 48:23
	58:25	19:24	40:23,25	50:25
S	scroll	21:10,13	41:2,5,7,	73:4,10,
	53:24	22:7	10,16	11,13
S-H-A-R-E	section	32:25	42:25	79:12,16,
88:10	80:1	35:18	43:2,4	21 80:3
sale	89:12	48:6	46:22	81:7
36:6,14,	90:20,22,	50:5,6	47:6,14,	82:16
15 38:18,	23	servicers	17,22	83:1
20,22	secure	15:17	48:18,22	signed
39:9,11	21:12	services	49:3,6,9	17:6,9
45:2	securities	27:18	50:14,16,	28:24
46:10	46:9	31:9 48:5	24 51:17,	32:12
85:10,21	48:4,6	50:5	24 52:8,	68:4,8
sales	70:14	62:22	12,14,20	69:9,15
36:21,23	71:8	71:4,9	72:8,9,	89:21
37:7	87:13	72:22	10,14	90:8,17
85:19	securitizat	79:22	88:9,14,	signing
Sam	ion	87:14	16 89:17,	28:13
64:6	39:19	servicing	20 90:6,	similar
78:13	Security	5:13	15	73:15
95:21	85:12	12:20	shorter	single
99:23	seller	13:1,3	79:5	28:3
Samuel	46:9 50:7	19:4,6,9,	show	sir
10:13	send	16 21:17	53:10	29:21
schedule	64:6 79:6	22:19,21	54:23	60:1 77:8
40:3,12,	81:17	23:19	showed	96:6
20 44:11	sending	25:15	58:25	sit
51:5,19,	32:4,5	27:23	shows	27:5
22,25	64:3	28:6	32:6	sitting
53:19		34:11	71:15	30:20
54:4,22		50:3	sic	
		61:2,16	84:1	

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: skimmed..testify

skimmed	47:13	43:17	suggested	86:5
76:24	86:22	55:9 67:5	56:18	systems
	96:25	69:15	98:19	56:17
so-called		100:4	suggesting	
56:7	specificity		80:6	T
76:14	60:22	statements		
82:1 87:5	93:11	61:1	suite	
software	spell	states	5:9 6:7	taking
65:13	24:23	70:14	supervisor	31:6 99:8
		72:20	38:6 65:3	talking
sold	spend	Staying	supplementa	42:20
37:8	11:4	13:17	l	67:22
solely	spinning	STM	36:19	88:2
79:25	86:16	23:20,21	64:4	task
sort	spoke	24:19	69:7,14	62:21
22:8	38:3	Stratton	support	team
30:17	spoken	38:4,5	82:7	21:18
55:20	93:12	street	supposed	23:17,18,
source	spreadsheet	54:11	57:13,15	21,24
50:22	51:8	71:16	system	24:20
South	staff	strike	12:20	27:18,23
80:23	43:8	19:22	13:1,3,8,	28:7
speak	stand-alone	51:11	9 18:25	31:5,7
38:2,11	52:10	65:2	19:3	technical
64:11	start	70:23	20:1,12	21:8
66:15	83:1	Structured	21:5,15,	telephone
93:11	started	46:9 48:4	25 22:4,	69:12
speaking	6:19	71:8	8,13,22	telling
15:20	18:23	79:21	23:10	59:3,6
specific	starting	85:12	25:3,14	ten
24:15	82:17	87:13	26:1	9:1 61:22
35:23	starts	subject	27:12	terribly
36:1	54:14	51:6	32:22	74:15
56:16	70:13	75:16	33:2,6,7,	test
63:7	89:9	89:6,15	23 34:8,	22:8
94:4,6,10	state	98:17	19 40:15,	testified
specificall	9:25 69:9	successor	17 41:8	59:8,10,
y	76:11	71:10,15	42:8	11 76:5
7:16 9:12	78:3	Sue	48:15	93:18
10:16	stated	24:22	49:3,6,9	94:13
15:11,12	35:4	suggest	58:10	testify
24:1		98:24	70:25	
27:17			71:25	
41:3			72:6	
			76:25	

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: testifying..uploaded

9:5 11:25	88:22,24	66:2 67:3	15:14	15:23
59:14	97:1,2,3,	94:1,7,11	27:21	16:1
84:9,10	4,11,16	topics	35:12	17:3,9
98:10	100:7	9:2	43:13,18	22:15
testifying	times	11:21,22	48:3,23	37:6
59:15	7:6,8	16:2	52:6,25	43:13,19,
87:22	68:22	38:25	56:11,19	21 44:1
testimony	title	91:24	57:14,16	56:13
17:22	5:17 14:7	93:19	58:9,11,	57:1
30:5	61:10	97:14	21 60:11	64:21
64:12	69:12	98:8	66:8,19,	73:16,21
70:11	titles	99:15	20 67:18,	92:3
96:3	22:17	100:3	22 71:4,	undersigned
99:20	24:18	track	6,7	89:7,11
100:3	92:22	7:7 11:8	78:10,12,	understand
101:8	today	27:20	14,15,22	8:6,7
thereof	98:3	transaction	82:1 83:5	18:16
89:7	top	21:17	84:1,13,	32:8,24
thing	53:8,21	23:19,24	14 86:22	43:15
78:11	55:7 71:4	transcript	87:5,15	59:20
86:16	79:21	100:15	89:10,13,	76:18
things	86:12	transfer	15 90:22	83:11
14:7,8	96:12	18:24	94:22	98:24
94:12	topic	21:13	100:25	trustee
thought	9:21	transferred	15:23	understandi
43:18	12:15	21:10,11	37:7	ng
66:16	13:10	22:4	43:22	7:24
87:2	14:15,20,	34:7,18	44:2 48:9	Understood
thunder	25 17:18,	45:3	71:11,12,	8:5
80:25	23 18:2	96:15	15	unfamiliar
time	25:6,11,	transmitted	trustee's	45:23
6:19,24	17,23	96:8	45:7	United
7:9,12	28:9,11	trial	trusts	70:14
8:22	29:11,13,	10:19,22	56:14	unredacted
11:1,6,8	15 30:3,6	58:17	type	40:19
18:20	31:13,17,	98:21	26:1	57:4,8
24:5,21	20,22	true	50:20	75:12
44:6	32:18	95:25	61:2 65:8	unrelated
49:21	33:13,15	96:5	U	63:24
58:22	34:1	trust	U.S.	update
63:13	36:11	12:19,22,	9:4,10	62:25
68:4	37:20	24 14:10		uploaded
84:21	41:20			38:13
	46:1 61:7			

HOWARD R. HANDVILLE 30b6
US BANK NATIONAL ASSOCIATION vs SHAKOORI

April 07, 2022
Index: uploads..zip

uploads		wording
38:11	w	55:9
v	wait	words
	99:3	14:18
vague	waive	work
93:22	96:1	6:10,12
venture	wanted	11:16
7:7	79:8	29:16,18
verified	88:24	works
20:8,19	Wells	38:6
32:20	13:21,24	Worthington
33:5,18,	35:4,8,17	5:9
22 34:5,	45:22	y
16 73:23	48:6 55:5	
86:8	56:13	year
verify	61:11,25	7:15,18
19:8,23	62:6,7,14	years
20:25	63:3	24:6 38:8
40:16	66:3,12,	61:22,24
42:7	18 67:8	yesterday
71:24	68:13	13:14
83:6 86:3	69:2,5	
94:25	71:9	z
verifying	79:23	
20:22	87:14	zip
22:24	94:14,17	82:3,5
version	95:2,7,12	
75:12,21	96:9,15	
76:13,20,	97:5	
21 78:19	West	
79:5,7	5:9,24	
vice	28:1 38:7	
71:19	whatnot	
view	61:10	
50:11	62:19	
viewed	woefully	
93:10	99:13	
virtually	wonderful	
95:24	80:24	
	wondering	
	78:12	